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PENNSYLVANIA BULLETIN

Volume 31

Number 30

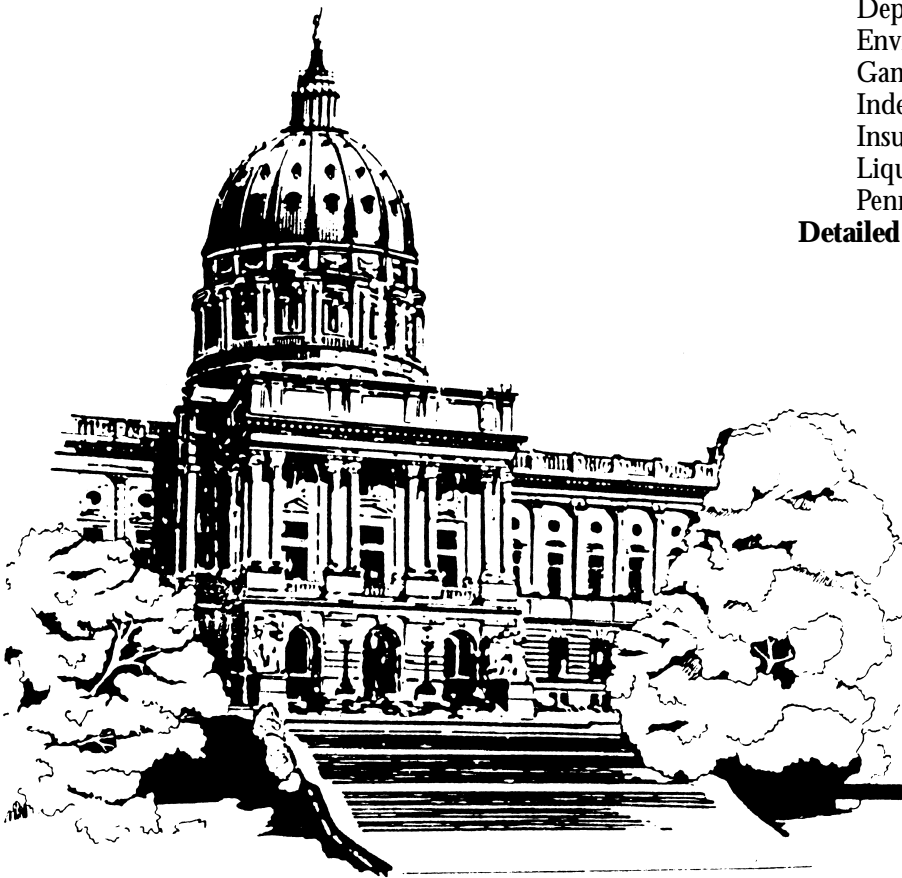
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Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Revenue
Department of Transportation
Environmental Hearing Board
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission

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No. 320, July 2001

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200, 300—500 AND 800]

Order Amending Rules 202, 307, 403—405, 506, 508, 516 and 811 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 127; Magisterial Doc. No. 1; Book No. 2

Order

Per Curiam:

Now, this 16th day of July, 2001, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 29 Pa.B. 6331 (December 18, 1999), and a Final Report to be published with this *Order*:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 202, 307, 403, 404, 405, 506, 508, 516, and 811 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2001.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 202. Definitions.

As used in these rules:

* * * * *

(3) Constable—[Includes a] Means a certified constable or a certified deputy constable.

* * * * *

Official Note

Justices of the peace are now statutorily known as "district justices." [See the Judicial Code, § 102,] See 42 Pa.C.S. § 102[, and § 3(d) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,] and 42 P. S. § 20003(d). As to [their] district justices' civil jurisdiction, [see the Judicial Code, § 1515(a),] see 42 Pa.C.S. § 1515(a) [, as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53]. [A definition] The definitions of "sheriff" and "constable" [has been included which will] include their deputies. As to deputy sheriffs, [see Act of August 9, 1955, P. L. 323, § 1202, 16 P. S. § 1202; Act of July 28, 1953, P. L. 723, Art. XII, § 1202, 16 P. S. 4202] see 16 P. S. §§ 1202 and 4202. As to deputy constables, [see Act of June 19,

1913, P. L. 534, § 1, 13 P. S. § 21; Act of April 15, 1834, P. L. 537, § 113 and Act of June 8, 1907, P. L. 465, § 1, 13 P. S. § 22; Act of April 15, 1834, P. L. 537, § 114, 13 P. S. § 23] see 13 P. S. §§ 21-23 . As to certification of constables and deputy constables, see 42 Pa.C.S. § 2942.

Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001.

CHAPTER 300. CIVIL ACTION.

Rule 307. Service of the Complaint.

Service shall be made at least ten [(10)] days before the hearing, in the following manner.

(1) A copy of the complaint for each defendant shall be delivered by the district justice for service to the sheriff of, or any **certified** constable in, the county in which the magisterial district of the district justice is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** If the complaint is delivered for service to the sheriff and service is to be made in a county other than the one in which the magisterial district of the district justice is situated, the sheriff shall deputize the sheriff of the county in which service is to be made. A **certified** constable may serve the complaint anywhere in the Commonwealth.

(2) If service is to be made in a county other than the one in which [his] the **district justice's** magisterial district is situated, the district justice, instead of acting in accordance with **subdivision** (1), [**above,**] may:

(a) send the copy of the complaint for service to a district justice in the county in which service is to be made who shall deliver it for service to the sheriff of, or any **certified** constable in, that county [, or] . **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth, or**

* * * * *

Official Note

This rule provides a number of alternative methods of serving the complaint. Subdivision (1) permits a **certified** constable to serve the complaint anywhere in the Commonwealth and authorizes deputized service by sheriffs. [**Subdivision**] **Subparagraph** (2)(a) permits service out of the county through district justices in the county in which service is to be made, a method of service which might be preferable to service under subdivision (1) by a **certified** constable of the county where the complaint was filed when that county is a considerable distance from the county of service. [**Subdivision**] **Subparagraph** (2)(b) provides for service in Philadelphia by writ servers of the Philadelphia Municipal Court or by the sheriff of Philadelphia, although service may still be made in accordance with subdivision (1) if the district justice so desires. Subdivision (3) makes service by mail, when permitted, at the option of the plaintiff. This was done because service by mail will ordinarily reduce costs.

Amended effective Feb. 1, 1973; amended Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 400. EXECUTION OF JUDGEMENTS FOR THE PAYMENT OF MONEY

Rule 403. Issuance and Reissuance of Order of Execution.

A. Upon the filing of the request form, the district justice shall note on the form the time and date of its filing and shall issue the order of execution thereon. The district justice shall deliver the order of execution for service and execution to the sheriff of, or any **certified** constable in, the county in which the office of the district justice issuing the order is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.**

B. Upon written request by the plaintiff, an order of execution may be reissued at any time and any number of times except that any request for reissuance must be filed within five **[(5)]** years from the date of the judgment.

Official Note

Under subdivision A, the order may be executed by the sheriff of the county in which the office of the issuing district justice is situated, as well as by any **certified** constable in that county.

* * * * *

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 **[The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line]; amended July 16, 2001, effective August 1, 2001.**

Rule 404. Notation of Time of Receipt.

The sheriff or **certified** constable receiving the order shall note upon the form the date and time that **[he received]** it was received.

Official Note

* * * * *

Amended July 16, 2001, effective August 1, 2001.

Rule 405. Service of Order of Execution.

A. **[Service of the order of execution shall be made by the sheriff or constable by levy within sixty (60) days of the issuance or reissuance of the order.] Service of the order of execution shall be made by the sheriff of, or any certified constable in, the county in which the office of the district justice is situated by levy within 60 days of the issuance or reissuance of the order. If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.**

B. At the time of the levy, the officer executing the order of execution shall give the defendant a copy of the order or leave it at the place of levy, but if the place of

levy is not the defendant's residence or usual place of business and **[he] the defendant** has not been given a copy of the order the copy shall be mailed to **[his] the last known address of the defendant.** If the levy is made upon property of the defendant in the possession of another person, a copy of the order shall similarly be made available to that person as well as to the defendant.

Official Note

The **[sixty] 60** day limitation in subdivision A was considered to allow the executing officer sufficient time in which to make **[his] the** levy. The executing officer may make as many levies as necessary within the **[sixty] 60** day limitation under an order of execution.

Amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 506. Service of Complaint

A. The district justice shall serve the complaint by mailing a copy of it to the defendant by first class mail and by delivering a copy of it for service to the sheriff of, or any **certified** constable in, the county in which the office of the district justice is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five **[(5)]** days before the hearing.

Official Note

* * * * *

Amended effective July 8, 1975; amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

Rule 508. Claim by Defendant.

A. At any time before the hearing, the defendant **[, by filing his own complaint]** may file a cross-complaint on the form prescribed for **[trespass and assumpsit]** civil complaints, **[may assert in the case]** asserting any claim against the plaintiff which arises out of the occupancy of the premises and which is within the jurisdiction of the district justice.

B. If the defendant files such a cross-complaint, the district justice shall set a time and date for the hearing of both complaints together, which shall not be less than **[seven (7)] 7** or more than **[fifteen (15)] 15** days from the filing of the defendant's complaint.

C. The defendant's cross-complaint shall be served on the plaintiff at least five **[(5)]** days before the hearing. At the option of the defendant, the district justice shall serve the cross-complaint by mailing a copy of it to the plaintiff. If the defendant does not request service by mail, the district justice shall deliver a copy of the cross-complaint for service to the sheriff of, or any

certified constable in, the county in which the office of the district justice is located. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The officer receiving the copy shall serve it by handing it to the plaintiff or to an adult person in charge for the time being of the plaintiff's residence or usual place of business.

Official Note

As to subdivision A of this rule, [see the second paragraph of the note to] see the Note to Rule 504. [See also the Judicial Code, § 1515(a)(3), 42 Pa.C.S. § 1515(a)(3), as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,] See also 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, the defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute.

* * * * *

Amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

Rule 516. Issuance of Order for Possession.

Upon the filing of the request form, the district justice shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any **certified** constable in, the county in which the office of the district justice is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff.

Official Note

* * * * *

Amended June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 800. MINORS AND INCOMPETENTS AS PARTIES

Rule 811. Service of the Complaint.

Service of the complaint upon a defendant who is an incompetent, or of a cross-complaint upon a plaintiff who is an incompetent, shall be upon his guardian. **This service shall be made in accordance with Rule 307.**

Official Note

Service is required to be upon the guardian. These rules generally assume the existence of a guardian whose identity is known. Compare Pa.R.C.P. No. [2055(a)] 421.

Adopted June 1, 1971; **amended July 16, 2001, effective August 1, 2001.**

[Pa.B. Doc. No. 01-1374. Filed for public inspection July 27, 2001, 9:00 a.m.]

Title 249— PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Sale of Motor Vehicles Impounded for Nonpayment of Fines under 75 Pa.C.S. § 6309.1; Joint General Court Regulation; Court of Common Pleas and Traffic Court No. 97-3

Order

And Now, this 12th day of July, 2001, *It Is Hereby Ordered, Adjudged and Decreed* that Joint General Court Regulation No. 97-3 issued on October 23, 1997 is *Vacated* effective immediately.

By the Court

FREDERICA A. MASSIAH-JACKSON

*President Judge,
Court of Common Pleas*

FORTUNATO N. PERRI,

*Administrative Judge,
Traffic Court*

The Motor Vehicle Code authorizes the impoundment and sale of motor vehicles under certain specified situations pursuant to 75 Pa.C.S. §§ 6309 and 6309.1. This Joint General Court Regulation sets forth the procedure to be followed in implementing Sections 6309 and 6309.1, so as to clarify the rights and responsibilities of the various parties involved in the impoundment process which may lead to the sale of the impounded motor vehicle and the transfer of title to same.

1. *Motor Vehicles Eligible for Impoundment.* A motor vehicle may be impounded if the defendant has outstanding or unpaid Traffic Court fines in excess of \$250.00 upon conviction or entry of a plea of guilty or nolo contendere for:

(a) if the vehicle has a gross vehicle weight rating of 17,001 pounds or more any of the offenses set forth in 75 Pa.C.S. § 6309(a); or

(b) (a) if the vehicle has a gross vehicle weight rating of 17,000 pounds or less any of the offenses set forth in 75 Pa.C.S. § 6309.1(b).

2. *Prerequisites to Impoundment.* A motor vehicle may not be impounded for a 24 hour period after the conviction or entry of a plea of guilty or nolo contendere to enable the defendant to pay, or to make arrangements to pay, the fines and costs of prosecution. During that 24 hour period the motor vehicle may be rendered temporarily inoperable and transferred to a secure location for safe keeping.

3. *Designation of Enforcement Officer.* The Traffic Court, as the issuing authority, may, from time to time, designate "appropriate law enforcement officers" or "impoundment officials" to undertake the impoundment of qualified motor vehicles and notification as authorized by 75 Pa.C.S. §§ 6309 and/or 6309.1, and as specifically provided in this Joint General Court Regulation.

4. *Impoundment.* Upon expiration of the 24 hour period as set forth above, if the fines and costs are not paid or satisfactory arrangements have not been made to pay same the Traffic Court shall notify the appropriate law enforcement officers or impoundment officials to impound the vehicle and store same at an appropriate location.

5. *Notice of Impoundment.* The appropriate law enforcement officers or impoundment officials shall notify the defendant, the owner of the vehicle or combination, any lienholder and, if applicable, the owner of the load, that the motor vehicle has been impounded pursuant to 75 Pa.C.S. §§ 6309 and/or 6309.1 and of their right to reclaim the said motor vehicle and its contents by paying the outstanding fines and other applicable costs. The notice shall be in the form set forth as Exhibit "A". Notice shall be sent by regular mail with a Certificate of Mailing and also by certified mail, return receipt requested. Notice shall be deemed to have been provided upon the mailing of the letters. The Traffic Court shall give a similar notice, which shall be substantially as set forth hereunder as Exhibit "B"; provided, however, that the said notice may be sent together with the notice sent by the appropriate law enforcement officers or impoundment officials designated by the Traffic Court.

6. *Filing of Petition.* A Civil Cover Sheet, Petition and Motion Court Cover Sheet shall be filed with the Prothonotary of the Court of Common Pleas setting forth, inter alia, that prior to impounding the motor vehicle, the defendant was given 24 hours to make arrangements for payment of the underlying fines, setting forth the efforts made to notify the owners, and lienholders, of record, and that the outstanding fines and costs have not been paid. Attached to the Petition shall be copies of the notices sent to the appropriate parties, the Certificates of Mailing and, if returned, the Certified Return Receipts. Upon review of the Petition, the President Judge of the Court of Common Pleas, or her designee, may enter an Order authorizing the appropriate law enforcement officers or impoundment officials to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as Exhibit "C".

7. *Notice of Auction Date and Rights of Owners and Lienholders of Record Pending Auction.* Notice of the auction dates shall be set forth in the notice to the owners as provided in Section 5 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court. At any time prior to the auction date, any owner, or lienholder, may obtain the release of the motor vehicle upon the payment of the fines, fees and costs as set forth in the notice and as may be incurred thereafter. In the event a vehicle scheduled to be auctioned on a specific date is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the appropriate law enforcement officers or impoundment officials shall, in reschedul-

ing the auction date, provide notices substantially as set forth in Sections 5 and 7, and shall otherwise comply with the within Joint General Court Regulation.

8. *List of Successful Bidders.* At the auction, the appropriate law enforcement officers or impoundment officials and/or their authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court within thirty (30) days after the auction for the entry of an order directing the Department of Transportation to extinguish title of the prior owners or lienholders of record and to issue certificates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as Exhibit "D".

9. *Disposition of Proceeds of the Auction.* The proceeds from the auction shall be used to satisfy the various fines and costs in the following order:

- costs of sale (auctioneer, advertising, postage);
- towing and storage costs;
- Traffic Court's costs as authorized in Sections 6309(d) and/or 6309.1(e);
- outstanding fines due as a result of violations of the Motor Vehicle Code;
- City of Philadelphia parking fines; and
- any other fines, costs, obligations and/or judgments as may be provided by the Court from time to time.

Any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

10. *Effective Date.* This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with 75 Pa.C.S. § 6309 and § 6309.1 and the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, and Pa.R.C.P. 239. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Civil Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

Name
Address

NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE

(Last Known Registered Owner's Name) (Date)

(Address)

(City, State, Zip)

Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. § 6309 and/or § 6309.1.

Vehicle Year:

State and Tag Displayed:

Vehicle Make:

Vehicle Identification Number:

Vehicle Color:

[Vendor] Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$ _____, a storage charge of \$ _____ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$ _____.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§ 6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

Upon auction of the motor vehicle and the payment of the fines and costs referred to above, any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,
IMPOUNDMENT OFFICIAL

Exhibit "A"

**PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET
PHILADELPHIA, PA 19123**

NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE

(Last Known Registered Owner's Name)

(Date)

(Address)

(City, State, Zip)

Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. §§ 6309 or 6309.1.

Vehicle Year:

State and Tag Displayed:

Vehicle Make:

Vehicle Identification Number:

Vehicle Color:

[Vendor] Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$ _____, a storage charge of \$ _____ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$ _____.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§ 6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,
ADMINISTRATIVE JUDGE
TRAFFIC COURT

Exhibit "B"

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE: _____ : TERM,
by _____, :
 :
 : NO:

ORDER

AND NOW, this _____ day of _____, 200____, upon Petition of [Petitioner] filed on [date], the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A", as required by Joint General Court Regulation No. 2001-02, copies of the notices and certificates of mailing, and proof of certified mail being attached to the Petition, and the said owners or lienholders not having paid, or made satisfactory arrangements to pay, the outstanding fines and costs, IT IS HEREBY ORDERED and DECREED that [Petitioner] [through its authorized agent], is authorized to sell at public auction the motor vehicles described in said Petition on _____, _____, at _____ a.m./p.m., _____, Philadelphia, PA.

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the Department of Transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 9 of Joint General Court Regulation No. 2001-02, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

BY THE COURT:

MASSIAH-JACKSON, P.J.

EXHIBIT "C"

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE: _____ : TERM,
by _____, :
 : NO:

ORDER

AND NOW, this _____ day of _____, 200____, the [Petitioner] having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction pursuant to this Court's Order of [date], IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the appropriate Department of Transportation shall cancel any certificates of title which were issued prior to this Order to other persons, and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A", upon completion of the proper forms and payment of the required fees.

BY THE COURT:

MASSIAH-JACKSON, P.J.

EXHIBIT "D"

[Pa.B. Doc. No. 01-1375. Filed for public inspection July 27, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

**Rule of Civil Procedure N1915.4—Prompt
Disposition of Custody Cases; Misc. No.
C0048CV2001-005537**

Order of Court

And Now, this 10th day of July, 2001, Rule N1915.4, Prompt Disposition of Custody Cases is adopted effective September 1, 2001.

Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania

Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee. One (1) copy of these rules shall be kept available in the Office of the Clerk of Courts—Civil Division. A copy shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N1915.4. Prompt Disposition of Custody Cases.

(a.) (1) A party who files a claim for custody, partial custody or visitation, whether joined with an action of divorce or by separate complaint, shall attach thereto a

proposed order in the form set forth at PA.R.CIV.P. 1915.15(c) which the party shall present to the motions judge. The motions judge shall schedule a conference to be held by the custody conference officer within 45 days as required by PA.R.CIV.P. 1915.4(a).

(2) The party who files such a claim shall immediately provide a copy of the custody action and order to the Court Administrator who shall maintain a docket of custody actions for the purpose of insuring compliance with PA.R.CIV.P. 1915.4.

(3) The party who files such a claim shall file simultaneously a praecipe placing the matter on the custody conference list for the date set by the motions judge.

(b.) (1) The custody conference officer shall notify the Court Administrator of those custody actions which are resolved by agreement at the custody conference and those which are not resolved by agreement at the custody conference.

(2) The party who filed the claim which is not resolved at the custody conference shall notify the Court Administrator if the matter has been resolved subsequent to the custody conference.

(c.) Within 180 days of the filing of a custody action, if the matter has not been resolved, a party shall file with the Court Administrator a praecipe for trial. Upon failure to do so, unless an extension for good cause has been granted by the court, the Court Administrator shall notify the motions judge who shall enter an order dismissing the custody action.

(d.) The praecipe for trial referred to in subsection (c) shall be for a non-jury trial list not more than 90 days from the date on which the praecipe is filed.

(e.) This rule is effective September 1, 2001.

[Pa.B. Doc. No. 01-1376. Filed for public inspection July 27, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Marc Joseph Malfara having been suspended from the practice of law in the State of New Jersey for three concurrent periods of six months, the Supreme Court of Pennsylvania issued an Order dated July 10, 2001 suspending Marc Joseph Malfara from the practice of law in this Commonwealth, for three concurrent periods of six months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-1377. Filed for public inspection July 27, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on July 10, 2001, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Nicholas Panarella, Jr., who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-1378. Filed for public inspection July 27, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 4]

Head Injury Program

The Department of Health (Department) hereby adopts Chapter 4 (relating to head injury program) to read as set forth in Annex A.

Scope and Purpose

The regulations establish standards by which the Department will administer the Catastrophic Medical and Rehabilitation Fund (Fund). The Emergency Medical Services Act (act) (35 P.S. §§ 6921—6928) establishes the Fund. Section 14(e) of the act (35 P.S. § 6934(e)) states that the Fund “shall be available to trauma victims to purchase medical, rehabilitation and attendant care services when all alternative financial resources have been exhausted. . . .” Section 14(e) of the act also permits the Department to adopt regulations to prioritize the distribution of moneys from the Fund by classification of traumatic injury. The final-form rulemaking provides that the Department will use moneys from the Fund to provide designated services to persons who have incurred a traumatic brain injury (TBI).

The Department has established a Head Injury Program (HIP or Program), administered by its Division of Child and Adult Health Services (Division), to make distributions from the Fund. Parameters for participation in the Program, including eligibility requirements, are established in the final-form rulemaking. The regulations also address Program administration, including assessment procedures, services to be reimbursed by HIP, funding and time limitations on participation and appeal procedures.

Public Comments

Notice of proposed rulemaking was published at 29 Pa.B. 2671 (May 22, 1999), with an invitation to submit written comments within 30 days.

Within the 30-day comment period, the Department received several comments. Subsequently, the Department received comments from the Independent Regulatory Review Commission (IRRC); Senator Vincent Hughes, Minority Chair of the Senate Public Health and Welfare Committee; and Representative Linda Bebeko-Jones of the 1st Legislative District. A meeting to discuss these comments prior to the preparation of the final-form rulemaking was held on July 13, 1999, among representatives of the Department, IRRC, the House Health and Human Services Committee and the Senate Committee on Public Health and Welfare.

It should be noted that, although the final-form regulations and the underlying Program have not substantively changed, the final-form version of the regulations virtually rewrites and reorganizes the proposed regulations to improve organization and clarity. The final-form regulations have been restructured first to follow the process of the applicant's placement on the waiting list, applying, being assessed and enrollment in the chronological order that each actually takes place. This enables an individual seeking to understand the Program to get a clearer

picture of “what happens next.” Although this process is no different than it was when the regulations were originally proposed, it was not presented in serial fashion at that time.

The final-form regulations also clarify the two separate stages of evaluating eligibility for the Program, with the first stage being consideration of requirements that can be evaluated on paper, including domicile, general financial situation and absence of certain preexisting medical conditions. Meeting these requirements makes an applicant eligible for an in-depth assessment. The outcome of this assessment will determine whether the applicant is eligible to be accepted into the Program and receive rehabilitation services. Again, this is how the Program was conceived at the time the regulations were first proposed; the process is simply made clearer in the final-form version.

A considerable amount of the information in the final-form version of the regulations was taken from the regulations as they were first proposed. Although detail has been added in a number of areas, those details are largely not ones that have been newly conceived. Rather, it was determined that the addition of the information would assist readers of the final-form regulations to understand how the Program works.

In addition, a number of changes have been made in response to comments. Because the changes in form, if not in content, are so sweeping, the comments to the proposed regulations are addressed under the current section in which the subject matter addressed by the comment appears. Following is a discussion of the comments received by the Department and the Department's response to them.

Section 4.1—Scope and purpose .

No comments addressing this section were received. The proposed section was revised to remove the statement that the Department will provide rehabilitation services “facilitated through case management.” This phrase was inserted elsewhere because it is a substantive provision that is too specific to be included in a section addressing the scope and purpose of the chapter. Language is inserted to follow the statute more closely by specifying that the Fund may be used to pay for “medical, rehabilitation and attendant care services” for persons with TBIs.

Section 4.2—Definitions

This section contains definitions of terms used in the chapter.

Comment

The definition of “day services” should be revised to include physical abilities as one of the abilities day services are designed to improve.

Response

The Department accepts the recommendation, and has made the suggested change to the definition of “day services.”

Comment

The Division should be specifically mentioned in the proposed definition of “Division” as the division that will be responsible to administer HIP.

Response

The Department accepts the recommendation.

Comment

It is proposed that the term "exhausted" be defined as the point at which alternative financial resources (AFRs) have been applied for and denied or fully utilized. It is unclear what "exhausted" means in terms of AFRs. This term may not be necessary if the financial eligibility criteria are specified in more detail.

Response

The Department agrees with the comment. The term "exhausted" is not defined in the final-form regulations. The financial eligibility criteria for participation in HIP are now specified in § 4.6(a)(1)(v) (relating to assessment), which requires applicants to have AFRs not in excess of 300% of Federal Poverty Income Guidelines to participate in the Program. AFRs are defined as all income subject to Federal income tax, funds available to an individual by virtue of experiencing a TBI and funds available to an individual through other State or Federal programs. These are resources that must be used to pay for HIP services until these resources are reduced to the threshold amount. Because the final-form regulations now make clear that an applicant or client cannot have AFRs in excess of 300% of the Federal poverty level, it is not necessary to require that AFRs be "exhausted."

Comment

The term "legal representative" is used but not defined in the proposed regulations. This term should be defined to refer to one who is legally empowered to act for a head injury applicant or client. This will clarify who can act in this capacity and will also avoid repeatedly iterating a list of persons who may or may not be so empowered.

Response

The Department agrees with the comment. The term "authorized representative" is now defined in this section to include any individual authorized by law to make a decision for an applicant or client. Defining "authorized representative" as one who is legally authorized to act for an applicant or client clarifies that the input of an authorized substitute decision maker is acceptable. Whether or not an authorized representative exists, the applicant or client, of course, is free to share information with, and solicit the assistance of, parents, guardians or anyone else the applicant or client chooses.

Comment

The definition of "legal representative" should include a reference to "minor."

Response

The Department disagrees. The final-form regulations provide that only individuals who are 21 years of age or older may participate in HIP. Therefore, no reference to minors is needed.

Comment

The definition of "rehabilitation" should include "home facilitation" in the list of services that are included.

Response

The Department accepts the recommendation. The defined term that appears in the final-form regulations is "rehabilitation services," as opposed to "rehabilitation." "Home facilitation" is included in the list of services contemplated by the term "rehabilitation services." Addi-

tionally, part of the remaining substance of the proposed definition was moved to § 4.9 (relating to rehabilitation period).

Comment

The final sentence of the definition of "rehabilitation service plan" should be deleted, as it inappropriately contains substantive provisions and duplicates language found in the substantive portions of the final-form regulations.

Response

The Department agrees with this comment. The final sentence has been deleted.

Comment

The definition of "rehabilitation service plan" should include "the client's parent, guardian or representative" among those who collaborate in the development of the rehabilitation service plan.

Response

The Department agrees with the recommendation in part. Much of the proposed definition of "rehabilitation service plan," including the part that addressed with whom the provider could collaborate in developing the plan, has been moved to § 4.8 (relating to rehabilitation service plan). The term "authorized representative" is now used. It is more comprehensive than "parent, guardian or representative." Section 4.8 does state that the provider may collaborate with the applicant's or client's significant others, such as family or healthcare providers, in the development of a rehabilitation service plan. This permits the provider the flexibility to consult with members of the individual's support system, who may be most aware of the individual's needs, when developing and revising a rehabilitation service plan for an applicant or client.

Comment

The definition of "rehabilitation services" should include therapeutic recreation and prevocational services. These services assist community integration and community reentry skills.

Response

The Department agrees with the comment, and has incorporated these services in the definition of "rehabilitation services."

Section 4.3— Services eligible for payment.

This section lists the services that may be paid for through HIP.

Comment

Proposed § 4.7 appears to limit payment for services to "clients." However, the services that will be paid by HIP include assessments. It would seem that assessments are for applicants, who are not necessarily clients. This should be revised to be consistent.

Response

The Department agrees. Paragraph (1) states that assessments of applicants by providers are among the services for which HIP will pay.

Comment

Case managers should be reimbursed for travel time.

Response

The Department disagrees. The fee schedule utilized by HIP establishes the rate at which case managers can be reimbursed for their time. This rate assumes delivery of

services to clients, and does not reimburse for travel time. The fee schedule does, however, allow for reimbursement for mileage. Because HIP funds are limited, the Department has determined that case management reimbursement will be limited to actual services delivered.

Comment

Education and training sessions should be offered to case managers to improve their knowledge, resource bases and facilitate information exchange among them.

Response

The Department disagrees. It will be the responsibility of the providers with whom the Department contracts to ensure that useful educational opportunities are available to case managers and other staff in their employ.

Section 4.4—Requirements for provider participation.

Comment

The proposed regulations do not indicate what the "appropriate National accrediting [bodies] as approved by the Department," referred to in proposed § 4.7(4) are, or how a member of the public could find out what they are. The final-form regulations should specify approved National accrediting bodies, or should state how a list of these may be obtained.

Response

The Department agrees. Subsection (a) states that a list of Department-approved National accrediting bodies will be published from time to time in the *Pennsylvania Bulletin*. Additionally, a list can be obtained by contacting the Division. At this time, the only National accrediting body approved by the Department is the Commission for Accreditation of Rehabilitation Facilities (CARF). CARF is currently the predominant National accrediting body for rehabilitation providers in the field of brain injury rehabilitation. The Department will certainly consider other qualified bodies for approval as the opportunity arises.

Comment

Requiring rehabilitation facilities to obtain accreditation makes voluntary accreditation mandatory. A requirement of specific accreditation of HIPs could result in lack of access to HIP and head injury services for patients in some regions of this Commonwealth. Minimum standards for HIPs should be defined in the final-form regulations and not deferred to accreditation.

Response

The Department rejects the recommendation. The Department believes that the requirement that HIP providers be certified by qualified accrediting bodies assures that uniform National recognized standards of care are available to all enrolled HIP clients, and serves as a continued quality assurance tool and measure.

Section 4.5—Application for enrollment as a HIP client.

This section addresses the procedures for securing and filing an application for enrollment in HIP.

Comment

Is there a specific application form? How do applicants obtain a copy?

Response

Subsection (a) provides a contact address at the Department and also states that individuals may contact the Department by electronic mail or facsimile. Individuals who are interested in enrolling in HIP or arranging

enrollment for another should write to the Eligibility Specialist at the address provided, by e-mail at: eterrell@state.pa.us or by fax at (717) 772-0323. If there is not sufficient funding to enable HIP to consider accepting a new client at the time the individual makes contact with the Division, the individual will be placed on a waiting list under subsection (c). Subsection (d) makes clear that the Division will provide application materials, including an application form, when the individual qualifies to receive an application; that is, whenever there is sufficient funding for HIP to be able to consider new applicants and the individual is next on the waiting list.

Comment

What verifying documentation must accompany the application form?

Response

The application must be accompanied by a physician's statement (the format for which will be provided by the Department), a completed Commonwealth income tax form, documentation of insurance including copies of any insurance cards and documentation of citizenship and residency. This will be explained to the applicant or the applicant's authorized representative at the appropriate time. The explanation will be in the instructions the Division provides for completing the application form.

Comment

The final-form regulations should contain a provision that clearly addresses the status of the individuals currently on the waiting list. This provision should also outline the process of notifying those individuals of the Department's changes to HIP policy.

Response

The Department accepts the recommendation in part. Subsection (c) states that individuals on the waiting list will be asked to submit applications in the order that their requests to be placed on the list were received by the Division. Consequently, those individuals who are on the waiting list as of the date these final-form regulations are adopted will be able to apply for enrollment before individuals who are placed on the list after them. The section also states that individuals who are on the waiting list who have already received case management services through HIP, but never received rehabilitation services through HIP, will be given first priority. This class of individuals, those who receive case management services before receiving rehabilitation services, will cease to exist after the individuals who currently comprise the class are handled by the Program. This section further states that those persons who have never received rehabilitation services through HIP will be given priority over those who have previously received rehabilitation services through HIP.

The Department will send letters to all current HIP clients upon the adoption of these final-form regulations, explaining the new policies and the benefits to which they will be entitled. The Department will also send letters to all individuals on the waiting list. Additionally, the final-form rulemaking will be published in the *Pennsylvania Bulletin* and will be posted on the Department's website.

Comment

The Department should clarify how the waiting list referenced in proposed § 4.5(b) will be prioritized—for example, by date of application, degree of injury or some other criteria.

Response

As previously stated, individuals on the waiting list will be asked to submit applications in the order that their requests to be placed on the waiting list were received. The exceptions to this are individuals who are receiving or have received case management services prior to formal enrollment in HIP, who will be given first priority as stated in subsection (c), and individuals who previously received HIP services and who are reapplying. Individuals who have never received HIP rehabilitation services will be given priority over former HIP clients, as stated in subsection (e).

Comment

The Department should clarify whether an applicant must reapply once the applicant is placed on the waiting list, and how reapplicants will be prioritized.

Response

As explained in subsection (a), individuals do not formally begin the application process until the Division notifies them that it is their turn to apply. They are placed on the waiting list because there are no funds available to add them to the Program when they initially contact the Division. Their addition to the waiting list is accomplished via a signed letter sent to the Division. Individuals on the waiting list are then invited to submit an application for enrollment in HIP as funding becomes available and their turn arrives. If an application were to be filed at the time an individual is placed on the waiting list, it would probably be stale by the time the Division is ready to consider the individual for enrollment in HIP.

Section 4.6—Assessment.

This section first sets forth the criteria an applicant must meet to be eligible for an assessment, and then explains the assessment process.

Comment

According to proposed § 4.4(f), the Department will notify an applicant of eligibility within 30 days from the receipt of a complete application. How will the date when an application is “complete” be determined and recorded?

Response

Information dealing with the application process is now included in § 4.5 (relating to application for enrollment as a HIP client). An application will be considered to be complete on the day that the Division has received all of the information necessary to process the application. For example, an applicant is permitted to claim that the applicant's income as it appears on the Federal income tax form or other reporting document is no longer representative, as long as the applicant is able to support that claim. If the applicant fails to include supporting documentation, the Division may have to request it in order to verify that claim. The Division will record the date that it has received all of the required and requested information so that it is able to proceed with evaluating the application. When the application is complete, the Division will determine whether an applicant is eligible for an assessment.

Comment

Proposed § 4.6 states that the Department will conduct evaluations to determine an applicant's initial eligibility for HIP, as well as a client's eligibility for continuing enrollment. Proposed § 4.4 does not refer to these evaluations. The referenced language in proposed § 4.6(a) should be placed in the section dealing with eligibility.

Response

The Department agrees with this comment and has revised this section to fully describe the assessment process.

Comment

The use of the phrase “the Department will deem” in proposed § 4.4(a)—(c) is unnecessary and should be deleted.

Response

The Department agrees with the comment, and has deleted the phrase.

Comment

The requirement in proposed § 4.4(a)(1) that an applicant must have sustained a TBI “on or after” July 3, 1985, in order to be eligible, is confusing. It should simply read “The applicant suffered a TBI after July 2, 1985.”

Response

The Department agrees with the comment. Subsection (a)(1)(i) now reads, “[t]he applicant sustained a TBI after July 2, 1985.”

Comment

It is unclear why it is necessary, as required by proposed § 4.4(a)(2), for an applicant to demonstrate the intent to maintain a permanent home in this Commonwealth for the indefinite future, and how the Department would enforce this requirement.

Response

The Department disagrees with the comment, but has revised the final-form regulations to improve clarity. The final-form regulations no longer require the applicant to “demonstrat[e] the intent to maintain a permanent home in this Commonwealth for the indefinite future.” Rather, subsection (a)(1)(ii) states that an applicant must have been domiciled in this Commonwealth both at the time of the injury and at the time application is made, to be eligible to participate in HIP.

“Domicile” is a generally accepted legal concept. It is defined as an individual's true, fixed and permanent home to which that individual intends to return. A person can have only one legal domicile at any given time. If a person goes to a place and intends to make it a permanent home for an indefinite period, the person is domiciled there. If an individual takes up temporary residence in this Commonwealth, but intends to return to a fixed address elsewhere, the person is not a domiciliary of this Commonwealth.

The Department believes that the domicile requirement is reasonable, and may be ascertained rather simply. The Division need only ascertain where the applicant resided when the accident occurred, whether the applicant resides in this Commonwealth at the time of application and the applicant's intentions regarding place of future residence. The requirement is difficult to enforce only in that one cannot keep an applicant from taking up temporary residence in this Commonwealth and misrepresenting the applicant's true intentions. However, the requirement that an individual must have been a domiciliary of this Commonwealth at both the time of the injury and the time of application to HIP goes a long way to ensuring that only true domiciliaries can present themselves. This requirement has been established to ensure that HIP's limited funds are used to assist Commonwealth residents. It would not be appropriate to allow HIP funds to be utilized by domiciliaries of other states when there are

eligible Commonwealth domiciliaries whom HIP will be unable to assist due to financial limitations.

Comment

The Department proposes to restrict enrollment in HIP to individuals who are 21 years of age or older, and has stated that individuals under 21 years of age are eligible to receive services through other programs administered by the Departments of Education (DOE), Labor and Industry (L&I) and Public Welfare (DPW). However, individuals under 21 years of age are not automatically eligible for these programs. The Department should clarify the need to restrict eligibility for HIP to individuals who are 21 years of age or over, as stated in proposed § 4.4(a)(4), and explain how the programs provided by DOE, L&I and DPW are appropriate alternatives for head injured individuals under 21 years of age. Note, for example, that individuals who are under 21 years of age, but have graduated from high school, may not be eligible for services from DOE.

Response

Due to limitations on the amount of funding available for HIP, the Department seeks to serve underserved individuals through the Program. Because there are a number of programs that make services similar to those afforded by HIP available to individuals under 21 years of age, the Department has elected to make HIP available only for individuals who are at least 21 years of age.

The Office of Social Programs of DPW has established the Community Services Program for Persons with Physical Disabilities (CSPPPD). The CSPPPD provides services to individuals who have severe, chronic disabilities that have manifested before 22 years of age, including disabilities due to head injuries, and who are residents of or applicants to nursing facilities. Clients of this program have substantial functional limitations. Through CSPPPD, they live in the community and are provided with services such as service coordination, advocacy, peer counseling and support groups, community-integration activities, equipment-related assessment and transportation.

The Office of Social Programs of DPW also offers the Attendant Care Program and Centers for Independent Living (CILs), both of which are funded through the Federal Rehabilitation Act of 1973 (P. L. 93-112). Although the primary focus of the Federal legislation is on vocational rehabilitation, the Attendant Care Program provides for care services for severely disabled persons without job potential. Services include personal care attendants. The legislation additionally establishes CILs that serve people with all types of disabilities, including those stemming from head injury. These centers offer housing referral, training in independent living skills, training for personal assistants, assistive technology and peer counseling.

All children under 21 years of age with disabilities, including those due to TBI, are guaranteed a free, appropriate education in the least restrictive environment under the Federal Individuals with Disabilities Education Act (IDEA) (P. L. 101-476). DOE has the responsibility for public education, including education under IDEA. Schools must prepare an Individual Education Plan (IEP) for each child with a disability in cooperation with the parents. The IEP is very important to the brain-injured child who requires a high level of repetition, cueing and practice.

While it is true that individuals who are under 21 years of age who have graduated from high school are no

longer eligible for services from DOE, an alternative source of services to head-injured minors is the Office of Medical Assistance, which provides a broad range of medically necessary services to enrolled children under 21 years of age. DPW now works closely with the Department, DOE and L&I to ensure that the service needs of children with disabilities are met. Further, L&I's Office of Vocational Rehabilitation (OVR) administers joint State- and Federal-funded vocational rehabilitation services to assist persons with mental and physical disabilities to find jobs. The Federal Rehabilitation Act of 1973, which establishes this program, includes provisions for supportive employment so that all persons have the opportunity to work in jobs in the community, regardless of the level of their disability. According to its 1998-2000 State and Strategic Plans, OVR has a number of plans, policies and procedures regarding the transition of students with disabilities to vocational rehabilitation services. Students are to receive transition services. These services, as defined in the 1992 amendments to the Rehabilitation Act and the IDEA, are a coordinated set of outcome-oriented activities designed to promote movement from school to post-school activities, including post-secondary education, vocational training and integrated employment (including supported employment), continuing and adult education, adult services and independent living or community participation. Transition services are based on the student's preferences and interests, and include instruction, community experiences, the development of post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational evaluation. OVR partners with DOE to coordinate these programs and services to assist students through the transition out of the public education system.

Comment

The proposed regulations limit participation to individuals over 21 years of age, but do not state an upper age limit. The maximum age of participation in HIP should be limited to individuals under the age of 60-65. Scientific studies of head-injured patients indicate that those over 55-60 years of age do not benefit meaningfully from aggressive inpatient rehabilitation. Limiting participation in this way would save funding for younger individuals who would be far more likely to benefit from HIP services.

Response

The Department disagrees with the recommendation. A maximum age limit is both unnecessary and unfair to older head trauma sufferers. The individual applicant's potential to benefit from HIP services is gauged through an assessment prior to enrollment in the Program. If the completed assessment indicates that HIP services will not be beneficial, the applicant will not be enrolled as a client in HIP.

Comment

Proposed § 4.4(a)(3) refers to "HIP financial eligibility criteria," but fails to state what those criteria are. The final-form regulations should define this term and specify these important criteria so potential applicants are on notice as to the requirements that they will have to meet.

Response

The Department agrees with the recommendation. Although "financial eligibility criteria" is not a defined term, the final-form regulations state what financial eligibility criteria applicants must meet. Subsection (a)(1)(v) provides that an applicant's AFRs must be at or below 300% of Federal poverty level. Subsection (a)(1)(v)(A) and (B) state how AFRs will be assessed.

Comment

Proposed § 4.3(c) states that the Department “will use the Fund to pay for clients’ HIP services which would not otherwise be available to clients with TBI who have exhausted alternative financial resources.” The last part of this sentence is redundant and unnecessary because, under the eligibility requirements found in proposed § 4.4(a)(3), AFRs must be exhausted for a person to become a client in the first place.

Response

The Department agrees with this comment. The final-form regulations do not contain the referenced statement. The final-form regulations also do not require AFRs to be “exhausted.” Rather, subsection (a)(1)(v) establishes a requirement that applicants have AFRs in the amount of 300% of the Federal poverty level or less.

Comment

The proposed regulations are not clear as to the extent that a client must use resources before becoming eligible for HIP services. For example, the definition of AFRs that must be “exhausted” includes income that must be used for needs other than rehabilitation services, and seems to indicate that an individual must be impoverished before being considered eligible for HIP. The final-form regulations should specify the income and/or assets that the Department will consider in making a determination of financial eligibility.

Response

The Department agrees with the comment. Because of the confusion engendered by the use of the term “exhausted,” the final-form regulations do not include it. Instead, the final-form regulations provide simply that individuals must have AFRs in the amount of 300% or less of Federal poverty level. AFRs include: any income subject to Federal income tax; funds available to the individual by virtue of having experienced the TBI; and funds available to the individual through other State or Federal programs. AFRs do not include other assets.

Comment

The Department should describe the procedures and standards it will use for the evaluations to determine an applicant’s initial eligibility.

Response

The final-form regulations distinguish between an individual’s eligibility for an assessment and enrollment. An applicant is initially determined to be eligible for an assessment, which assessment will be used to determine whether HIP services would be appropriate for that person. An applicant’s eligibility for an assessment will be evaluated based on the application form and its accompanying documentation. Subsection (a) contains all of the criteria that must be met for an applicant to be eligible for an assessment. The requirements of subsection (a)(1) are largely self-explanatory. The application form will require the applicant to identify the date the TBI was sustained. Documentary proof of residence and United States citizenship will be required. Although the applicant can answer as to age, documents, including insurance forms, will be required and will serve as a check on the other information provided. Documentary proof of income must be provided and will be evaluated as explained in subsection (a)(1)(v)(A) and (B). The required proof will include, but will not be limited to, a completed Federal income tax form.

Subsection (a)(2) provides that, to be eligible for an assessment, an applicant cannot have an impairment that is attributable to certain listed conditions. A physician’s statement will be requested under subsection (a)(1)(iv). It will be on a form provided by the Department and is to be completed by the applicant’s physician. It will ask whether the applicant’s impairment is attributable to any of the enumerated conditions. The physician is, therefore, responsible to provide this information. The Division will use that statement in determining whether the applicant is eligible for an assessment.

Subsection (a)(3) states that an applicant must not manifest any symptom that would prevent the applicant from participating in the assessment or would prevent the provider from completing a full assessment. Again, the Division will request the applicant’s physician to provide this information on the physician’s statement.

Finally, subsection (a)(4) requires the applicant to complete an assignment agreement assigning to the Department rights in future proceeds which may accrue to the applicant as a result of the TBI, up to the amount expended for HIP services for that individual. If an applicant refuses to complete it, the applicant will not be deemed eligible for enrollment in HIP.

Comment

An applicant is ineligible for HIP if the applicant has significant preexisting psychiatric, organic or degenerative brain disorders, under proposed § 4.4(c)(4). Who makes the determination that an applicant’s impairment is the result of a preexisting condition?

Response

Ultimately, the Division makes that determination. The subject matter addressed in proposed § 4.4(c)(4) is addressed in subsection (a)(2) in the final-form regulations. As previously stated, the Division will require applicants to submit a statement that must be completed and signed by their attending physicians. Additionally, the Division may request access to an applicant’s medical record. The applicant will be ineligible for HIP due to a preexisting condition if either the physician’s statement or the patient record demonstrates that the applicant’s impairment is due to one of the conditions listed in subsection (a)(2).

Comment

What if an individual with a history of emotional illness sustains a TBI?

Response

Proposed subsection (c)(4), now subsection (a)(2)(iv), specifically makes patients with certain conditions, including significant preexisting psychiatric disorders, ineligible for HIP.

Comment

An applicant is ineligible for HIP if the impairment is due to a “cerebral vascular accident” under proposed § 4.4(c)(5). The Department should define this term, which has previously been defined in *Stedman’s Medical Dictionary* (Williams & Williams, 1982) as “an obsolete and inappropriate term for ‘stroke.’”

Response

The Department agrees with this comment, and has replaced the term “cerebral vascular accident” with “stroke” in subsection (a)(2)(v).

Comment

How will an individual's eligibility be affected if the individual has a TBI and then sustains a stroke as a result of the TBI?

Response

Subsection (a)(2)(v) provides that applicants are not eligible for HIP services for any impairment which is the result of a stroke. However, if an individual has sustained a stroke subsequent to the TBI, the affected individual could still apply for HIP services. Eligibility for an assessment would depend upon whether the impairment is attributable to the TBI rather than the stroke. If an assessment is necessary in order to be able to make this determination, the applicant will be assessed. If the applicant's impairment is determined to be due to TBI, eligibility will depend upon the applicant's ability to benefit from HIP services, just as it would for an applicant who had not suffered a stroke subsequent to the TBI.

Comment

How will an individual's eligibility be affected if the individual is transitioning through an agitated phase of Ranchos Level IV? Is there a duration level?

Response

Subsections (b)(4) and (d) provide that applicants who demonstrate suicidal or homicidal behavior or potentially harmful aggression are precluded from participating in HIP. Therefore, applicants who are transitioning through an agitated phase of Ranchos Level IV would be ineligible for the Program if they exhibit aggressive or homicidal behavior because of it. Individuals who are transitioning through an agitated phase of Ranchos Level IV have to demonstrate the ability to benefit from HIP services at the time the application is made, just like any other applicant. The duration of the agitated phase is therefore irrelevant except as it affects the applicant at the time application is made. The applicant is free to reapply if the applicant is initially rejected due to transitioning through an agitated phase of Ranchos Level IV.

Comment

What are the criteria and the process by which an applicant's eligibility for enrollment in HIP is evaluated?

Response

As discussed previously, an applicant is eligible for an initial assessment if the applicant meets the criteria specified in subsection (a)(1), if the impairment is not caused by the conditions described in subsection (a)(2), if the applicant does not exhibit the symptoms described in subsection (a)(3) and signs the assignment agreement as required by subsection (a)(4). A HIP provider will then perform an assessment to enable the Division to determine whether the applicant is eligible for HIP enrollment. The applicant will choose the provider who will perform the assessment from a list of approved providers that will be supplied by the Division. As providers are approved, they will be added to the list.

The Division will determine whether the applicant is eligible for enrollment, and the period during which the applicant will be enrolled and receive rehabilitation services, based upon the outcome of the assessment. The assessment process includes face-to-face interviews with both the applicant and the applicant's significant other, close family members or authorized representative, if appropriate. The part of the assessment directly involving the applicant may take place at the facility or at the

applicant's home or the facility where the applicant is residing at the time. In addition to the interviews, under subsection (c), the applicant's medical records, including, but not limited to, all treatment records relating to the TBI, are examined.

The assessment process is intended to identify the applicant's areas of need, upon which rehabilitation will be focused. The assessment will identify: the applicant's physical, emotional and psychological needs; potential for improvement; areas to be addressed through rehabilitation services; facility and community resources needed; and how choices can be provided for the applicant. This identification of the applicant's needs and ability, and how to best serve the applicant, is accomplished by consulting several sources, including medical records, significant others and the applicant. A team of professionals from relevant disciplines who will be designated by the provider conducts the assessment, as required by the contract between the Department and the provider. If it is determined that the applicant can benefit from services offered by the provider, the assessment team will establish ultimate discharge goals, assign the applicant a treatment team of professionals from each identified area of need and draft a rehabilitation service plan for submission to the Department.

Best practice measures will be used to make the initial determination as to whether the applicant can benefit from services offered by the provider. Providers will be given a standardized intake form, developed by the Department and its consulting neuropsychologist, that measures the applicant's current functional living abilities, including degree of independence, as well as whether the applicant can make progress in various functional abilities, including physical, cognitive and psychosocial functions. If appropriate, the applicant's readiness for vocational training is assessed. The form draws upon a number of generally accepted performance measures, and will be revised as best practice standards change.

Comment

The statement in proposed § 4.4(b) that an applicant's eligibility will be determined based on a case manager's recommendation and "other neuropsychological evaluations as deemed appropriate by the Department" is confusing and unclear. If the Department intends to require each applicant to undergo a neuropsychological evaluation, the requirement should be clearly established.

Response

At this time, a neuropsychological evaluation no older than 1 year is necessary as part of the assessment. In many cases, the provider will not need to perform an evaluation because one may have already been done at the acute-care facility and will be part of the applicant's medical record. The Department's contract with the provider will require that, if a current neuropsychological evaluation is not available, the provider will perform one or ensure that one is performed. Ordinarily, the Department's consulting neuropsychologist will not perform the evaluation.

Comment

The Department should provide more information about the role and term of its neuropsychological consultant and the role of the Department's neuropsychological consultant in providing neuropsychological evaluations should be clarified.

Response

The Department's neuropsychological consultant provides technical assistance and advice to the Program on clinical issues as requested. The Department presently contracts with the consultant for a term of 3 years. As previously explained, the Department's consulting neuropsychologist will not ordinarily perform the neuropsychological evaluation necessary to the assessment.

Comment

The Department should explain how applicants' medical histories would be utilized in the evaluation process.

Response

Provider examination of the applicant's medical history is an important part of the assessment. It assists in determining whether the applicant can benefit from HIP services and, if so, what specific rehabilitation services the applicant needs. The Division may also request the applicant's medical records to use in making the determination as to whether an applicant meets the subsection (a)(2) and (3) symptom and condition criteria for enrollment.

Comment

It is inappropriate to have a determination of achievement of maximum medical improvement made by a case manager and/or neuropsychologist. A physiatrist, neurosurgeon, neurologist or other person with medical experience in brain injury rehabilitation should review applicants to determine their potential to benefit from HIP services. These board-certified professionals are best qualified to recognize subtle changes in a patient's neurologic recovery.

Response

The Department disagrees with the comment. HIP focuses upon rehabilitation. HIP providers are not medical facilities. Rather, they are facilities that provide post-acute rehabilitation services, which consist of physical and mental therapies that are most often directly provided by nonphysician professionals who may or may not be supervised by a physician. Although the facilities are all under the supervision of physicians who practice in relevant areas and who will be involved in the assessment process as appropriate, those physicians will not necessarily be neurosurgeons, neurologists or physiatrists. While the persons who directly provide HIP rehabilitation services are not likely to be neurosurgeons, neurologists or physiatrists, medical specialists may have worked with the applicant during the applicant's treatment in an acute care facility prior to entering the Program, and their expertise and conclusions as evidenced in the medical record are an important part of the evidence weighed in the assessment process.

Comment

The determination of ability to benefit and live more independently should be accomplished through the use of generally accepted performance measures such as the Functional Independence Measure. Specific outcome measures can show improvement when more global outcome measures show no change. A more systemized and careful determination of a patient's ability to benefit from rehabilitation services should be mandatory.

Response

The Department will use best practice measures to determine whether an applicant is able to benefit from

HIP services. These may incorporate or include the use of the Functional Independence Measure and other specific outcome measures.

Comment

Proposed § 4.4 states that an individual would be ineligible for HIP if the Department deems that the individual lacks the potential to benefit and live more independently as a result of HIP services. Individuals who suffer from TBI may not show improvement in a consistent fashion. The final-form regulations should stipulate that the patient should be given 3 months over which to demonstrate progress when the eligibility determination is being made.

Response

The recommendation is rejected. Substantial funding would be needed to pay for a 3-month assessment period. The Department lacks sufficient funds to provide HIP services to all persons who may benefit from the services. The Fund can be used to serve more persons with TBI if the applicants are ready and able to benefit from rehabilitation services at the time of the assessment. An applicant who is initially found ineligible is free to reapply, and may later qualify to participate in HIP if progress is made after the initial application.

Section 4.7- Enrollment.

This section discusses client enrollment, including determination of eligibility and maximum term of enrollment.

Comment

Proposed § 4.4(f) should provide that applicants will be notified when they are ineligible, as well as when they are eligible.

Response

The Department accepts the recommendation. This matter is addressed in subsection (a). It states that an applicant will be notified of the Division's decision on an application for enrollment (whatever that decision may be) within 16 days of the Division receiving the completed assessment from a provider.

Comment

Under proposed § 4.4(b), a case manager with only 2 years of experience makes the critical determination as to the applicant's potential to benefit from HIP services. This is inappropriate. The Department should clarify the case manager's role in determining an applicant's potential to benefit from HIP services.

Response

The Department agrees with the comment. The Department has removed from proposed § 4.4(b) the reference to the case manager's recommendation. Subsection (b) states that the provider shall assess the applicant and determine whether the applicant can benefit from HIP services. Case managers employed by the provider may or may not participate in the assessment of the applicant as part of the assessment/treatment team assigned by the provider. In this capacity, the case manager would provide information and input relevant to the determination of whether an applicant can benefit from services. The team assigned by the provider will make recommendations to the Division. As clarified in subsections (a) and (b), the Division will make the ultimate determination of an applicant's potential to benefit.

Comment

The written notice referred to in proposed § 4.4(f) should include: the reasons that an applicant is ineligible; any time, dollar or other limits on services and the reasons for those limits; and a reference to the section relating to "Appeals."

Response

The Department agrees with the comment. Subsection (a) addresses the written notice the Department will send to applicants as to its determinations on their applications. It specifies that, if the Division determines that the applicant is ineligible to participate in HIP, the notice will include the reasons for that determination and will advise of appeal rights.

The specific limit on the time that clients may receive services (1 year for rehabilitation services followed by a 6-month transition period during which case management services only may be provided) is now addressed in subsection (e). Section 4.12 (relating to funding limits) sets the maximum dollar amount for rehabilitation services at \$100,000 per rehabilitation period, plus \$1,000 for case management services during the transition period. Any additional limits on the duration of, or funds available for, a client's participation in the Program will be explained in the written notice of the determination of eligibility. Limits below the maximum dollar amount will be imposed where the necessary services for a client are ascertainable from the assessment and will cost less than the maximum permitted.

Comment

A time limit should be set within which the Division must approve or disapprove the proposed rehabilitation service plan.

Response

The Department agrees with the comment in part. Subsection (a) states that the Division will accept or reject the rehabilitation service plan within 16 days after receiving it from the provider and will provide written notice of that decision to the applicant. This is a time limit the Division will strive to meet with the utmost diligence. However, it should be understood that the plan would not be accepted by default should some extraordinary event prevent the Division from acting within that time.

Comment

Rehabilitation services are limited to a 12-month period, beginning with the date of the client's enrollment in HIP. Proposed § 4.8(a) indicates that development of a rehabilitation service plan will not begin until enrollment begins. A client could lose a significant amount of rehabilitation time while waiting for the rehabilitation service plan to be approved. The final-form regulations should provide that the 12-month rehabilitation period does not begin until actual rehabilitation services commence.

Response

The Department agrees with the comment. Subsection (d) clarifies that a client's enrollment begins on the day the client begins receiving rehabilitation services from a provider after the Division issues a written notification that the client will be enrolled. Section 4.6(d) of the final-form regulations provides that the rehabilitation service plan is developed prior to the beginning of enrollment.

Comment

The Department should clarify whether the notice of eligibility given to the applicant is considered to be the starting date for enrollment.

Response

The Department agrees with the comment. The notice of eligibility given to the applicant is not considered to be the starting date for enrollment. Under the final-form regulations, an applicant may actually receive two notices of eligibility. The first notice of eligibility informs an applicant that the applicant is eligible for an assessment. If the assessment demonstrates that the applicant would be able to benefit from HIP services under this section, the Division will notify the applicant of acceptance into HIP within 16 days of receiving the completed assessment, as stated in subsection (a). Neither of these notices is the starting date for enrollment. The starting date for enrollment is the date upon which a provider actually starts providing rehabilitation services, as stated in subsection (d).

Comment

The Department should clarify how and when the "maximum available funding and time limits for [HIP] services," as those terms are used in proposed § 4.5(a) and (f), are determined.

Response

The Department agrees with this comment. The maximum time limit on the enrollment period is 18 months, consisting of 12 months of rehabilitation and a 6-month transition period during which case management services only will be provided, as stated in subsection (e). The maximum available funding for each HIP client per enrollment period is \$101,000, as stated in § 4.12.

Comment

The Department should describe the procedures and standards it will use for the evaluations to determine a client's continuing enrollment.

Response

The Department agrees with this recommendation. The criteria for premature termination are set forth in subsection (e). Subsection (f) addresses the specifics of the notification that will be used to inform the client of the decision to terminate the client's participation in HIP. Reviews of a client's progress are required at least quarterly, as prescribed by § 4.8(d).

Comment

Evaluations to determine continuing enrollment should be discussed at the beginning of proposed § 4.5(f).

Response

The criteria to terminate participation in HIP are enumerated in subsection (e).

Comment

The Preamble to the proposed regulations states that the average head injury client completes a rehabilitation program in 1 to 3 years. Why, then, is it appropriate to limit rehabilitation in HIP to 1 year under proposed § 4.6(b)? For example, there are a number of people in their 20s and 30s who may require up to 3 years to realize maximum benefit from rehabilitation therapy. Limiting the duration of funding to 1 year would restrict the maximum potential recovery of those patients.

Response

The Department believes that it is appropriate to retain the 1-year limit on rehabilitation in the final-form regulations, which now appears at subsection (e). The greatest gains from rehabilitation services are generally experienced during the first year. Further, 1 year is a reasonable time in which clients may be expected to make significant progress, after which they may be able to transition to other programs or less intensive services to complete their recovery. Additionally, individuals who have been discharged from HIP may reapply. Also, restricting payment for rehabilitation services to 1 year will enable the Department to assist more people with TBIs.

Comment

Criteria should be established to allow a client to qualify for an exemption to the 1-year limit on the rehabilitation period. The criteria should include an exception for clients who are continuing to make tangible, concrete progress in rehabilitation.

Response

The Department rejects this recommendation. A number of commentators were concerned with the 1-year limit. The Department agrees that there are patients who could continue to benefit from rehabilitation services after 1 year. However, HIP funds are limited, and there are far more applicants to HIP than there is money available to help them. The greatest gains from rehabilitation services are generally experienced in the first year. In short, the limits established will enable HIP to do the greatest good for the greatest number. The final-form regulations therefore retain the 1-year limit and establish a \$100,000 cap on expenditures for rehabilitation services in a single rehabilitation period.

Comment

There is a lack of available, appropriate alternatives to HIP for those individuals who must transition out of HIP after 1 year. Many individuals who will be removed from HIP will of necessity be placed back in the family home or in a nursing home, neither of which can meet the needs of a young adult requiring significant assistance and continued rehabilitation and therapy. How will the chronic needs of patients be addressed, and how will they secure services beyond the 12 months funded by HIP?

Response

The Department acknowledges that in some cases there may be a lack of available and appropriate services for those who are transitioning out of HIP. The function of the Program, however, is to provide rehabilitation services, not chronic care. Providers are required to begin planning for the client's eventual transition out of HIP when they write the initial rehabilitation service plan. The rehabilitation service plan is reviewed and modified as needed on a quarterly basis. The goal of the rehabilitation service plan is to affect the smooth transition to other services as appropriate, based on the patient's need. To further address the transitional needs of clients, the final-form regulations establish a 6-month transition period immediately following the rehabilitation period. During the transition period, HIP will provide up to \$1,000 in case management services to help connect clients, including those with chronic needs, to other programs and services that may be available to them.

There are programs available through other State and Federal agencies that are geared toward meeting chronic needs. As previously discussed, L&I offers OVR services, for which individuals who have been HIP clients are

frequently eligible, to train and assist individuals to become employable and employed. The Attendant Care Program and CILs, which provide a wide range of services to individuals with chronic needs, are available. The CSPPPD provides services to individuals who have severe, chronic disabilities that have manifested before the age of 22, including disabilities due to head injuries. The Office of Social Programs of DPW has proposed a Home and Community Based Waiver (CommCare Waiver) to allow Medicaid funds to be used for nonmedical home and community-based support services for individuals with TBIs. It is expected that many HIP clients who are not eligible for other programs would be eligible for this one. Funds from HIP are currently appropriated to DPW for State fiscal years 1999-2000 and 2000-2001 so that eligible HIP clients can be transferred to this program and other head-injured clients can be accepted into HIP.

Comment

The Department should clarify whether or not rehabilitation services can be continued, and for how long, following an interruption within the 12-month period.

Response

If there is an interruption that will last for an indeterminate period of time within the 12-month rehabilitation period described in subsection (e), rehabilitation services cannot be continued following the interruption. The Department has determined that the fairest, most reasonable and most administratively feasible course of action with regard to this issue is to limit enrollment in HIP to a 12-consecutive-month-rehabilitation period, followed by a 6-consecutive-month-transition period. The administrative demands of HIP do not permit a policy of tolling the enrollment period or holding funds. There are certainly circumstances, such as a temporary illness, where a client could reasonably be anticipated to resume participation in HIP within a short, determinable period of time. In such a case, the enrollment period would not be tolled, but the client would not be removed from HIP. The client could resume services upon recovering, if recovery occurs during the enrollment period.

Comment

There are some head injured patients who may initially benefit from a 6-week to 3-month course of inpatient rehabilitation therapy, be discharged to either home or a nursing home and at a later date experience a spontaneous recovery so that they would again be able to benefit from inpatient rehabilitation. For this reason, funding should not be limited to consecutive months.

Response

The Department disagrees with the comment. A client who has been discharged whose return is not anticipated, as in the situation described, cannot automatically be readmitted to the Program at an unscheduled later date. The purpose of this Program is to facilitate client transition to appropriate care settings. It should be noted that clients may reapply for HIP services after being discharged from the Program.

Comment

HIP services should not be limited to consecutive months. It is critical that funding be intermittently available as persons with brain injury undergo life changes such as changes in support systems and normal developmental changes such as graduating from college or a vocational program. Services should therefore be scruti-

nized at 3 to 6 month intervals, and should be used at points in time when clients are most in need of those services.

Response

The Department rejects the recommendation. The Department does not prohibit reapplication to HIP after the client is discharged. Lifetime HIP services are therefore not capped, and may be available intermittently. The limits described in the final-form regulations are applicable to each enrollment period.

Comment

Proposed § 4.5(f)(5) results in stopping payments if it is "no longer feasible" to implement a rehabilitation service plan. It is not clear who would make the determination or how the client would be notified. The Department should clarify the process and conditions under which it would discontinue payment for this reason.

Response

The Department agrees that clarification is necessary. The final-form regulations are more specific as to when a client's enrollment in HIP will be discontinued. Subsection (e)(2) states that a client will be discharged from HIP if the client fails to cooperate or exhibits unmanageable behavior so that HIP cannot provide the appropriate services to meet the client's needs. A provider who believes that the client is exhibiting behavior of this kind and feels that it can no longer appropriately provide services to the client must notify the Division. The Division will consider evidence presented to it, including quarterly patient status reports, and will request additional information as is necessary for it to determine whether to end the client's enrollment in HIP. In all cases, efforts will be made to transition the client to appropriate settings as available.

Comment

The final-form regulations should contain a provision that clearly addresses the status of the individuals currently enrolled in the Program.

Response

The Department agrees with the comment. Subsection (g) is entitled "grandfather clause." This subsection makes clear that clients who are receiving HIP rehabilitation services as of the effective date of the final-form regulations will be eligible for the maximum enrollment period of 18 months, which will begin on the effective date of the final-form regulations. Those who are receiving only case management services as of the effective date will be eligible for the 6-month transition period, also beginning on the effective date of the final-form regulations.

Other changes

The proposal listed triggers that would cause the Department to stop paying for HIP services. Subsection (e) states when a client's enrollment will end. This is a significant distinction between terminating enrollment and stopping payment because the Department may stop paying for services while the client remains enrolled in HIP. For example, if a client receives or gains access to AFRs in excess of 300% of the Federal poverty level, the client is expected to pay for HIP services up to the amount of the AFRs received. If the client can pay for the HIP services, the Department will stop paying. However, the client will not be discharged from HIP, as the amount of AFRs received may not be enough to pay for services over the entire remaining enrollment period.

It was also proposed that the Department would stop paying for HIP services if AFRs became available. As previously stated, the Department will stop paying for HIP services if that happens. However, that statement does not appear in the final-form regulations, as the availability of AFRs will not automatically end the client's HIP enrollment. If the AFRs are legitimately exhausted due to paying for appropriate services, and the client becomes again financially eligible for HIP during the period of enrollment, the Program may resume paying for HIP services for the remainder of the enrollment period.

The final-form regulations state that a client's enrollment will end when the client reaches the maximum limits on funding and duration. Subsection (e)(1) states that a client's enrollment will end prior to the time designated in the client's rehabilitation service plan if the Division determines that the continuation of services will not enable the client to make further progress. This statement combines proposed § 4.5(f)(1) and (5), as it contemplates both that a client may make positive progress so that the services that HIP can offer are no longer needed or that a client's condition may deteriorate so that the client can no longer benefit from HIP services.

Subsection (e)(4) states that a client's enrollment will end if the client becomes eligible for other services offered as a result of the TBI, and those services meet the client's needs so that HIP services are no longer necessary. This was not stated in the proposed version of the regulations because the availability of other services was included in the definition of AFRs. However, including other services in that definition caused a difficulty—that of trying to quantify "other services" in order to determine if the income cap was exceeded. This problem is solved by simply providing that, if a client can obtain other services that meet the client's needs, the client's HIP enrollment will terminate. If a client has access to other services that do not meet the client's needs entirely, the availability of the services will be taken into account when assessing the client's needs and writing and revising the rehabilitation service plan.

Section 4.8—Rehabilitation service plan.

This section requires providers to develop a rehabilitation service plan for each HIP client, states what must be specified in each plan and sets a schedule for review and updates.

Comment

Proposed § 4.8(b) should be revised to require the rehabilitation service plan to state the specific anticipated outcomes to be achieved and the time frame for their achievement, and should specify that those outcomes should be stated in objective and measurable terms

Response

The Department agrees with this comment. The recommendation has been incorporated into subsection (c)(1).

Comment

The proposed regulations require beginning and ending dates for each service. This is difficult to estimate, since it depends on the patient's progress.

Response

Subsection (c)(1) requires providers to establish estimated time periods for the client to meet goals based upon an individual client assessment. Therefore, the provider, the client, the Division and the Peer Review Committee (Committee) will have timed objectives by which to measure performance. However, the rehabilita-

tion service plan is a planning document subject to quarterly review, evaluation and modification. As part of this process, it is expected that beginning and ending dates of services will be modified as necessary, as addressed in subsections (d) and (e).

Comment

Proposed § 4.8(c) requires an evaluation of client progress, but does not specify the content of the procedure. The outcome of an evaluation is significant, as it could result in the modification of the rehabilitation service plan or discontinuation of services. The final-form regulations should therefore specify the procedure and the requirements or criteria used for such an evaluation.

Response

The Department agrees. The treatment team assigned by the provider is primarily responsible for measuring client progress. Drawing on its experiences with the patient and the patient records, the team should use the quarterly reviews of the rehabilitation service plan required by subsection (d) to assess how the client has progressed towards the established goals. If the team becomes aware that satisfactory progress is not being made, additional reviews should be scheduled under subsection (e). The modifications to the rehabilitation service plan should closely track client progress. Reviews of the rehabilitation service plan are done in conjunction with the client and the client's family and/or authorized representative, as required by subsections (a) and (e). The ultimate goal is always for the client to be more independent, as stated in subsection (b). In addition to updating the rehabilitation service plan on a quarterly basis, providers must send to the Division quarterly written patient progress reports. The Division will be reviewing these progress reports against the rehabilitation service plan and plan modifications, to ensure that progress is being made and reported appropriately. In addition, the Committee will be reviewing the progress reports and rehabilitation service plans for at least one patient from every HIP provider each quarter. The Division will have access to the complete patient records of the facility, and may obtain for the Committee any additional documents as appropriate. The reviews are intended to ensure that the patients of a given facility make appropriate progress toward timely transition to less restrictive environments.

Comment

Will HIP have a specific form with timeline guidelines for submission of periodic patient status reports?

Response

Yes. Providers are required to complete written patient status reports for the Division on a quarterly basis. This requirement is in addition to the provider's obligation to review the rehabilitation service plan on a quarterly basis.

Comment

The proposed regulations impose a number of requirements on the development of a rehabilitation service plan. These include participation by the provider, case manager, client and representatives of the client, approval by the Department and specific components that the plan must contain. However, no requirements are specified for modifications of the rehabilitation service plan, so it is unclear whether modifications must meet any of these requirements.

Response

Subsection (e) clarifies that all modifications must meet the regulatory requirements for the original rehabilitation service plan as established in subsections (a)—(d). As with the original rehabilitation service plan, modifications must be made by the provider's treatment team in collaboration with the client or authorized representative and significant others, if applicable, and contain the elements specified in subsection (c). Subsection (e) further provides that modifications must indicate whether previous goals were met. Where goals were not met, the modified plan must address the reasons why, and modify or change the goals appropriately. The provider will be required to submit all modifications to HIP along with the quarterly patient progress reports, so that the Program and, if applicable, the Committee, can consider those documents.

Section 4.9— Rehabilitation period.

This section establishes requirements with which providers must comply when providing rehabilitation services and the purposes for which rehabilitation services may be provided.

Comment

The proposed definition of "rehabilitation" should address cognitive needs as well as physical, social and other aspects of a client's rehabilitation.

Response

The Department accepts the suggested change and has incorporated it in subsection (a). In addition, the final-form regulations have added a definition of "rehabilitation services," which includes cognitive remediation. The final-form regulations do not include a definition of "rehabilitation." This is pertinent to the next comment also.

Comment

The proposed definition of "rehabilitation" should be revised to enumerate the list of professionals who can supervise the provision of rehabilitation services; the list should include psychologists.

Response

The Department disagrees with the recommendation. The phrase "other appropriate health professional," as used in subsection (b), includes psychologists where the services provided may be supervised in accordance with standards prevailing in their field. The phrase adequately describes who can provide and supervise the provision of rehabilitation services. Further enumeration is not necessary.

Comment

The final-form regulations should indicate that physical therapy, occupational therapy, speech therapy and psychological services may be provided in a home setting.

Response

The Department agrees that it should be possible for services to be provided in a home setting. Neither the definition of "rehabilitation services" nor any other provision of the final-form regulations limits the setting in which services may be provided.

Comment

The treatment offered by rehabilitation facilities should be monitored more closely to ensure that clients are being given actual rehabilitation services and not just care and maintenance.

Response

The final-form regulations implement practices aimed at monitoring providers to ensure that patients are being provided with appropriate rehabilitation services. The final-form regulations require providers to be accredited by a National accrediting body approved by the Department. The Department requires providers to send quarterly patient progress reports and to update rehabilitation service plans on a quarterly basis. These documents will be reviewed by the Division and, in some cases, by the Committee, to ascertain the appropriateness of services provided and progress made. Additionally, the Division will conduct annual onsite reviews.

Section 4.10– Transition period.

This section establishes a 6-month period immediately following the rehabilitation period, during which HIP will provide case management services to clients.

Comment

The Department should indicate how transition from the rehabilitation programs will be managed after the 12-month limit on HIP-funded services is up.

Response

Providers must address discharge planning in the initial rehabilitation service plan, as goals and outcomes must be established for the entire enrollment period under § 4.8(c)(1). Additionally, the Department has added a 6-month transition period that will follow the 12-month rehabilitation period, and affords a maximum of \$1,000 in funding to facilitate transition. Case management services will be provided during this time to assist the client with the transition from HIP-funded services to other existing programs.

Section 4.11– Case management services.

This section establishes requirements with which providers must comply when providing case management services for HIP.

Comment

The proposed definition of “case manager” states that a case manager is an individual “approved” by HIP to provide case management to HIP clients. The final-form regulations should contain a section describing the qualifications necessary for approval, and outlining the approval process.

Response

The Department accepts the recommendation in part. Case management services will be provided to HIP clients through their HIP providers. This enhances continuity of care and eliminates the need for the Department to contract with individual case managers. The Department believes this is more efficient and will result in appropriate oversight and more contact between the case manager and other care providers. It will further ensure continuity between the establishment of rehabilitation goals and discharge planning. The final-form regulations therefore do not include the requirement of HIP “approval” of case managers. A case manager is defined in the final-form regulations as “[a]n individual who delivers case management services to a client through a provider.” This section requires case managers to have at least 1 year of experience in TBI case management.

Comment

Case managers should be given full-time employment and be available on a full-time basis.

Response

The Department disagrees. The definition of “case management services” states that case management services will be provided to HIP clients through rehabilitation providers. Generally, those providers employ full-time case managers. Clients currently receiving HIP case management services will continue with their current case managers for the duration of their transition periods. The Department contracts with those case managers directly, on an as-needed basis. Consequently, some of them are part-time and some are full-time.

Section 4.12– Funding limits.

This section establishes limits on HIP funding for rehabilitation and transition periods.

Comment

Proposed § 4.6 specifies time limits, but does not specify any limit on the money to be spent. If the Department intends to impose a per-client funding cap, this maximum limit should be specified in the final-form regulations.

Response

The Department accepts this recommendation. This section of the final-form regulations establishes that the maximum funding available is \$100,000 for rehabilitation services provided during the 12-month rehabilitation period, and an additional \$1,000 for case management services provided during the 6-month transition period.

Comment

The establishment of a monetary limit for services would be an incentive to rehabilitation centers to provide cost-efficient outpatient services.

Response

The Department agrees with the comment and has established a limit in this section of the final-form regulations.

Section 4.13– Payment for HIP services.

This section addresses the Department-provided notice to a client regarding services and funding for which HIP will be responsible, client responsibility to update financial information, client responsibility for payment and when the Department will seek reimbursement for its use of HIP funds.

Comment

It is not clear what amount of AFRs will result in the discontinuation of HIP services. If a small amount of AFRs becomes available, or certain services can be obtained from another source, will that result in the discontinuation of HIP services? The final-form regulations should specify some reasonable threshold at which the availability of AFRs will result in HIP services being discontinued.

Response

The Department agrees with the recommendation. The Department will not discharge a client from the Program because AFRs in some small amount over the permitted 300% of the Federal poverty level become available to a client or limited services will be provided by another source. A client who receives AFRs over the threshold amount of 300% of the Federal poverty level will be expected to pay for services up to the excess amount, as provided in subsection (b)(2). HIP will, however, continue to pay for those services not covered by the excess AFRs. Likewise, the availability of services from another source

will not result in the client's discharge from HIP unless they duplicate or otherwise render HIP services unnecessary. Rather, they will affect the determination of the client's needs, whether that determination is being made as part of the initial assessment or as part of modifying the service plan. Where appropriate, services available to the client through other programs will substitute for HIP-funded services in the rehabilitation service plan.

Comment

Will HIP have a fee schedule for reimbursement?

Response

The Department does have a fee schedule that establishes rates for specific HIP services. All providers will be paid the same set rate for services, which will encourage them to provide those services efficiently. The fee schedule is not set forth in the final-form regulations. It will be revised from time to time, as the need arises, and will be made a part of each contract between the Department and a provider.

Other Changes

The Patient Share of Cost (PSC) Table is included as an appendix to the final-form regulations so that affected parties can see what their potential share of the cost will be if they participate in HIP. The PSC is established based upon the percentage of the Federal Poverty Income Guidelines that the applicant's income comprises, up to 300%. For example, the PSC Table (Appendix A to the final-form regulations) states that a client who has an income between 225% and 250% of the Federal Poverty Income Guidelines will pay a total of \$250 for services received through HIP. The amounts currently established in the PSC Table will not increase, even though the amounts in the Federal Poverty Income Guidelines will. For example, a client who is at between 225% and 250% of poverty currently may make between \$19,329 and \$21,475. Although those dollar amounts will increase when the Federal government revises the Poverty Income Guidelines, so that a person who is at between 225% and 250% of poverty level will have more income, the dollar amount assessed by HIP upon such a client (\$250) will not change. It may be that a person who currently makes \$19,329 (currently 225% of poverty level) will wind up making only 222% of the Federal poverty level when the Poverty Income Guidelines change. If that person then became a HIP client, the person would be assessed \$50 as the PSC, under the PSC Table (those making between 185% and 225% of poverty level are assessed \$50).

The Department does not anticipate raising the dollar amounts of the PSC. If it is determined for any reason that those amounts must be raised, the Department will go through the rulemaking process so that affected parties may have notice and an opportunity to comment. The Department will publish a notice in the *Pennsylvania Bulletin* if it lowers or eliminates the PSC.

Section 4.14—Peer review.

This section states that the Department will establish a Committee. It establishes some procedures and duties of the Committee.

Comment

What are the specific criteria that the Committee will use to review rehabilitation service plans and recommend actions? Is there a specific form that will be used?

Response

The Department has developed forms for use by the Committee. Subsection (b)(1) provides that the Committee

will, on a quarterly basis, review a random sampling of cases, including at least one client from each provider. The review may include the quarterly progress reports, the rehabilitation service plan and all modifications and any other documents deemed necessary by the Committee or by the Department. The review will be aimed at ascertaining whether best practices were followed in HIP-related service areas provided at the facility. The criteria envisioned at this time will include analyses of: whether the rehabilitation service plan is being followed; whether goals are being met; whether the rehabilitation service plan is properly modified in response to the changing needs of clients; whether the provider recognizes when clients have met goals and when further service in an area is not needed; and whether the provider is willing to transition clients to the next level of independence when appropriate. The Committee must provide written recommendations to the Department within 30 days of completion of any review of services.

Comment

The Department should provide more information on the membership of the Committee, and the process that will be used to select the Committee members.

Response

The Department will revise the number of members and the configuration of the Committee based upon its review of the Committee's performance and needs. Department plans for the Committee at this time are that it will include nine members, at least six of whom will be from the post-acute rehabilitation provider community. Since the rehabilitation services under review by the Committee are solely those provided in a post-acute setting by HIP providers, it is appropriate that the majority of Committee members should be experienced in providing rehabilitation services of this kind. The Department will try to fill at least two of the remaining three positions with individuals who work in the acute rehabilitation hospital community. Acute rehabilitation hospitals provide medical as well as rehabilitation services. The services provided in these facilities are aimed primarily at stabilizing the patient to a point where the patient can benefit from post-acute rehabilitation. Services provided in the acute setting are not funded by HIP. However, the input of individuals who work in this setting and who may be more medically oriented, is invaluable in reviewing the post-acute rehabilitation services provided to, and progress made by, HIP clients.

Committee members will be appointed by the Department. The Department will contact its providers and the Pennsylvania Association of Rehabilitation Facilities to solicit recommendations. Facilities not directly contacted by the Department, including both acute and postacute facilities, are welcome to recommend candidates for the Committee to the Department in writing. A member of the Committee may not participate in a review that presents a conflict of interest, including reviews of service provided to a client of the member or the member's employer or a close relative of the member.

Comment

The Committee should be made up of board-certified physiatrists, neurosurgeons and neurologists. Comprising the Committee of social workers, psychologists or medical doctors who have specialties other than those previously named is inappropriate and leads to inaccurate assessments of neurologic progress of head-injured individuals who otherwise could make a good recovery. At the very least, there should be sufficient physician representation

drawn from these specialties to ensure that the more global and holistic needs of brain-injured patients are addressed.

Response

As stated previously, the Department will revise the number of members and the configuration of the Committee based upon review of the Committee's performance and needs. Practitioners of specialties mentioned by the commentator, or the facilities they practice at, are welcome to contact the Division and recommend specialist candidates for membership on the Committee.

Section 4.15— Administrative review.

This section establishes a two-step review process for applicants and clients who disagree with decisions made by the Division.

Comment

There is a discrepancy between proposed § 4.10(a)(1) and (2). Subsection (a)(1) states that an "applicant" may file a request for administrative review. Subsection (a)(2) states that the "applicant or client" must file the request within a specified time limit. This should be clarified.

Response

The Department agrees. Subsections (a)(1) and (b)(1) clarify that an applicant, client or authorized representative may file a request for "reconsideration" and may "appeal" the outcome of the request for reconsideration. These terms are used consistently throughout the section and throughout the chapter. Seeking reconsideration or an appeal is discretionary; compliance with the times specified for doing either is mandatory.

Comment

It should be clear in the final-form regulations that the person legally empowered to act on behalf of the applicant or client is also empowered to seek administrative review and file an appeal on behalf of the applicant or client.

Response

The Department agrees. Under subsections (a)(1) and (b)(1), an authorized representative, as well as an applicant or client, is permitted to file a request for reconsideration and appeal the outcome of that request.

Comment

It is unclear whether a person may immediately appeal an adverse determination, or whether an administrative review must first be requested. The final-form regulations should be rewritten to clarify this.

Response

The Department agrees and has revised the final-form regulations to address this concern. Subsection (b)(1) clarifies that, as a precondition to filing an administrative appeal, reconsideration by the Division must have been sought and the requested relief denied.

Comment

There should be a time limit imposed upon the Department for administrative review to ensure that adverse determinations are resolved expeditiously.

Response

The Department accepts the recommendation in part. The time for completing the adjudicatory process will vary based upon a number of factors, including the complexity of the case and the volume of reviews sought. However, the Department has set forth a time period for

completion of a request for reconsideration so that requestors have some idea of when a decision should be forthcoming. Subsection (a)(4) states that when a request for administrative reconsideration is made, the Division will notify the requestor of its decision within 30 days of receiving the request. Every effort will be made to issue a decision within the stated time limits. If the Department fails to meet these time limits, however, the reconsideration is not automatically resolved in favor of the appellant. The request will be honored as expeditiously as possible. Subsection (c) provides that 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) govern the administrative appeal.

Comment

The final-form regulations should indicate who is involved in an administrative review, and whether the applicant or client may attend or participate in a review.

Response

As set forth in subsection (a), the Division will perform the initial reconsideration. This is a paper review, so there is no opportunity for attendance. The request for reconsideration should contain any information the applicant, client or authorized representative wants the Division to consider, and must meet the requirements of subsection (a)(3). The applicant, client and authorized representative may attend any hearing held in connection with an appeal of the decision on reconsideration.

Comment

Proposed § 4.10 limits requests for administrative review to the eligibility determination, and fails in general to specify which other issues may be appealed. There are numerous other determinations that could be subject to appeal.

Response

The Department agrees with the comment and has addressed the concern. Subsection (a)(1) enumerates the decisions that may give rise to a request for reconsideration and then an appeal.

Comment

This section should explicitly state that the 1-year time limit is subject to appeal.

Response

The Department disagrees. The 1-year time limit for a rehabilitation period, as well as the 6-month limit on the transition period, are strict standards imposed by the final-form regulations. No hearing will be held in these matters.

Comment

Proposed § 4.10(b)(2) gives an applicant or client 15 days to file an appeal, beginning on the date the Division mails its determination. Postal delays could shrink this time considerably. To account for unforeseeable postal delays, the rule should provide that 3 days be added to the time for filing an appeal when the determination is sent by mail.

Response

The Department disagrees. The final-form regulations provide 15 days to request reconsideration. The Department initially intended to give appellants 10 days to make a request. That is the time afforded by 1 Pa. Code § 35.20 (relating to appeals from actions of the staff) to appeal to the agency head actions taken by subordinate

officials (administrative appeal). The final-form regulations afford, not 10, but 30 days to file an administrative appeal.

Comment

The Department should indicate how it will communicate information on appeals and the rights of applicants and clients to individuals who may be unable to comprehend formal legal letters or who may have difficulty in doing so.

Response

The Department agrees. Subsection (a)(2) states that the Division will notify an applicant, client or authorized representative in writing of the right to seek administrative review. It further states that the notification will advise the recipient to seek assistance from legal counsel, family members and others who may serve in an advisory role, and will include contact information for a HIP representative who will be available to answer any questions the applicant, client or person assisting them may have.

Comment

The final-form regulations should include a provision similar to that proposed for the Women, Infants and Children Program, which requires that the hearing location be no further from the appellant than the county seat of the appellant's county of residence. That regulation further requires that the hearing be moved to an alternative location more accessible to the applicant or client under certain circumstances. Accessibility of a hearing location would be important to the population served by HIP.

Response

It is not administratively feasible for this program to hold hearings in the 67 counties of the State. The Department agrees that the hearing location should be as close to the appellant as possible, and will make every effort to be accommodating in this regard as resources allow.

Comment

Proposed § 4.10 allows an applicant or client to be represented at a formal hearing by a relative, friend or other person of their choice. This constitutes the unlawful practice of law under the Judicial Code, 42 Pa.C.S. § 2524, which practice cannot be authorized by an administrative agency.

Response

The provision has been removed.

Comment

The final-form regulations should state whether or not HIP services will continue during the pendency of a review or hearing. If services are not to continue, the final-form regulations should include a specific time limit for the administrative review.

Response

The Department agrees. Subsection (d) states that applicants, including those who were eligible for and received an assessment, are not entitled to receive HIP services during the time that a reconsideration or appeal is pending, and that services to clients continue while review or a hearing is pending. If the time or dollar amount of services to which a client is entitled is exhausted while the reconsideration or appeal is pending the reconsideration or appeal is, of course, mooted.

Comment

The final-form regulations should provide that, immediately upon the issuance of a favorable decision, HIP services will be reinstated for the remainder of the 12-month period based upon the date on which services were terminated.

Response

The final-form regulations do not need to provide for reinstatement of services, as subsection (d) provides that services continue for clients during the pendency of an appeal.

General Comments

Comment

A periodic review or audit of program expenditures would be useful to ensure that the limited dollars in the Fund are used as efficiently as possible to meet Program goals. The Department should explain how it would review Program expenditures to protect the financial integrity of the Fund.

Response

HIP funds are generally subject to the same control and audit procedures utilized in the administration of all Commonwealth funds. The Auditor General conducts audits of the Emergency Medical Services Operating Fund, which includes the Fund as a component. In addition, the Program itself conducts an annual site visit to each provider, at which time a representative sample of invoices is verified against the medical records, and compliance in a number of other areas is assessed.

Further, the final-form regulations limit the duration of funding to 1 year and cap the amount of funding that can be spent during that time. The Program reviews quarterly reports and updated rehabilitation service plans submitted by providers; additionally, the Committee will review client progress in some cases, and submit recommendations to the Department as to all ongoing services. These reviews are intended to ensure that providers deliver necessary services to clients in an efficient manner, and that clients are getting results from utilizing these services. Once a review process is under way only providers whose performance has been deemed appropriate will remain on the list of approved HIP providers. Providers whose services or performance are unsatisfactory will be removed from the list until a time they are able to demonstrate through the Peer Review or other monitoring process that they are meeting best practice standards and clients are getting value for the time and money spent at the facility.

Comment

The DPW is seeking a waiver from the Federal Health Care Financing Administration to be able to use Medicaid funding for head injured individuals. How will the waiver program, and the transfer of funds from the Department to DPW, affect the operation of HIP?

Response

The DPW CommCare Waiver will complement HIP. HIP will fund eligible clients' rehabilitation for 1 year plus 6 months of transitional case management services. The DPW CommCare Waiver will meet the long-term needs of clients who require maintenance services. The Department has appropriated funds to DPW to be used to transfer Medicaid-eligible HIP rehabilitation clients to the CommCare program. Any funds appropriated to DPW for the CommCare Waiver which are not used will revert back to the Fund to be used for HIP services.

Comment

The proposed HIP regulations should not go into effect until the previously-referenced waiver program is in place.

Response

The Department disagrees. Although the Department and DPW are both confident that the waiver program will go into effect, the Department's ability to administer HIP should not under any circumstances be held hostage to the success of an initiative on the part of another Commonwealth agency.

Comment

A bill, H.B. 1467, which would create a HIP in the Office of Social Programs of DPW, was introduced in the House of Representatives and referred to the House Health and Human Services Committee. This bill, coupled with the previously-mentioned application for waiver by DPW indicate that the Commonwealth is moving in the direction of transferring responsibility for HIP from the Department to DPW. The timing of the final-form regulations is therefore inopportune.

Response

The Department disagrees. The possibility that there will be a change in policy exists in every aspect of government. That a possibility exists does not mean that those who are responsible for administering programs should "wait and see" which way the wind will blow. The Department is currently responsible for administering HIP, and will be responsible to do that for the foreseeable future. A need for these regulations was perceived, and the Department responded.

Comment

If HIP is transferred to DPW, the proposed regulations will be obsolete. Promulgation of the final-form regulations should therefore be precluded.

Response

The Department disagrees. It would be inappropriate to delay the implementation of necessary final-form regulations for an indefinite period of time pending the outcome of uncertain events. The Department is responsible for the Program, and must continue to administer it until an actual transfer of authority takes place. The administration of HIP will be simpler, as well as fairer to head-injured individuals who are still waiting to receive rehabilitation services through HIP, if the final-form regulations are implemented.

Comment

One of the factors to be considered by IRRC in approving or disapproving a regulation is whether the regulation "represents a policy decision of such a substantial nature that it requires legislative review." See 71 P. S. § 745.5a(i)(4). Transfer of HIP from the Department to DPW does present a substantial policy decision that deserves legislative review. In fact, that legislative review has begun through the introduction of H.B. 1467 and its referral to the House Health and Human Services Committee. The publication of the final-form regulations at this time ignores that overriding policy issue.

Response

The Department disagrees. The Regulatory Review Act requires IRRC to review regulations and to consider certain factors in determining whether the regulations are in the public interest. Among these factors, as stated by the commentator, is "[w]hether the final-form or

final-omitted regulation represents a policy decision of such a substantial nature that it requires legislative review." However, the commentator then goes on to state that it is the transfer of HIP from the Department to DPW that presents the substantial policy decision which deserves legislative review. That transfer is not before the IRRC; these regulations are. The final-form regulations do not have as their subject matter the contemplated transfer of HIP to DPW. Their sole focus is the Department's administration of moneys from the Fund, which responsibility has been placed upon the Department by statute. The final-form regulations provide that the Department will use Fund money to provide rehabilitation and case management services to persons who have incurred a TBI, set parameters for participation in the Program and establish a system of administration for the Program. These are matters that are appropriately addressed through the promulgation of regulations. The final-form regulations do not present a policy decision of a nature that legislative review is required, other than that which is provided through the rulemaking process. IRRC's determination as to these regulations should be made based upon their content, and not upon its consideration of proposed legislation.

Comment

The Department lacks the statutory authority to promulgate the regulations. Section 14(e) of the act gives the Department only the ability to decide which class or type of injury to fund, in order of priority. The Department does not have the authority to develop detailed administrative regulations relating to the operation of HIP.

Response

The Department disagrees that it lacks the statutory authority to promulgate these regulations. The Department has the statutory power and duty to promulgate rules and regulations to facilitate its administration of the Fund under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Section 14(e) of the act allocates money to the Fund, which is under the authority of the Department. The Fund, under the act, can be used to pay for all traumatic injuries. Clearly, however, there is not enough money to fund every person. Section 14(e) of the act, therefore, allows the Department to decide which traumatic injuries to fund by category, as opposed to on an individual basis. The Department already has the statutory authority, under section 2102(g) of The Administrative Code of 1929, to promulgate rules and regulations for any program administered by it, including HIP. Nothing in the act indicates that the General Assembly intended to remove this general authority when it gave the Department the specific authority to, "...by regulation, prioritize the distribution of funds by classification of traumatic injury."

Finally, reading the language of the act so as to prevent the Department from making any administrative decisions with regard to the Fund, other than deciding what types of injuries the money may be used for, leads to an absurd result. The reading would effectively tie the Department's hands with regard to proper and effective administration of the Fund. The General Assembly could not logically have intended to give the Department the authority to decide to whom a significant amount of Fund money would be given, without also giving it the authority to ensure that the Fund is utilized properly and efficiently.

Comment

It is a matter for concern that HIP has not accepted any new applicants for services in over 1 year.

Response

The final-form regulations restrict the type of services a client will receive through HIP, the cost of services per enrollment period for which HIP will pay and the length of time that each enrollment period may last. These provisions are designed to open HIP up to a greater number of qualified people. A main purpose of the final-form regulations is to make HIP resources available to a greater number of persons across this Commonwealth who have suffered TBIs. The HIP waiting list demonstrates that there are many individuals who would like to participate in HIP. The Department believes that a number of these people have not been able to secure rehabilitation services, and will not be able to do so except through HIP. The limitations on client participation in the final-form regulations are aimed at ensuring that individuals with TBIs have an opportunity to receive rehabilitation services for at least 1 year. If 1 year of services does not enable a client to function as fully as before the TBI was sustained, it is likely to at least prepare that individual to be able to utilize other services and programs appropriately.

Fiscal Impact

Implementation of the final-form regulations will entail administrative costs associated with contract development, data analysis, fiscal monitoring and other program activities. HIP currently has similar administrative costs from current program operations. Additional costs may be incurred due to the review and administrative appeal process, depending upon the frequency of appeals. The final-form regulations are intended to channel the bulk of funding into rehabilitation services for clients who are able to progress as a result of those services.

Paperwork Requirements

The Department will experience some increase in paperwork related to Program review of rehabilitation service plans and plan modifications, as well as the quarterly patient reports required from providers. Providers will have to provide quarterly patient status reports. Rehabilitation service plans and modifications are a part of rehabilitation treatment; the necessity for them does not arise from the final-form regulations. Persons applying to HIP must complete an application and provide verifying documentation.

Effective Date/Sunset Date

The final-form regulations will become effective August 27, 2001. A sunset date has not been established. The Department will continue to monitor these regulations on an ongoing basis, and they will be subject to revision as it becomes necessary.

Statutory Authority

Section 14(e) of the act authorizes the Department to promulgate regulations prioritizing distribution of moneys in the Fund by classification of traumatic injury. The Department has the statutory power and duty to promulgate its rules and regulations under section 2102(g) of The Administrative Code of 1929.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 22, 1999, the Department submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 2671, to IRRC and the Chairper-

sons of the House Health and Human Service Committee and the Senate Public Health and Welfare Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public.

In compliance with section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), the Department submitted a copy of the final-form regulations to IRRC and the Committees on May 3, 2001. In addition, the Department provided IRRC and the Committees with information pertaining to commentators and a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

On May 22, 2001, the Department requested that the regulations be tolled in accordance with section 5.1(g)(1) of the Regulatory Review Act to consider revisions recommended by IRRC. IRRC did not object to tolling. The Department submitted the revised regulations to the Committees and to IRRC for their review on May 24, 2001.

Under authority of section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on June 4, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2001, and approved the final-form regulations. The Attorney General approved the regulations on July 10, 2001.

Contact Person

Questions regarding the final-form regulations may be submitted to Elaine Terrell, Head Injury Program, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-5436. Persons with disabilities may submit questions in alternative formats (such as audio tape or Braille) by using V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Persons with disabilities who would like to obtain this document in an alternative format (that is, large print, audiotape or Braille) should contact Elaine Terrell to make the necessary arrangements.

Findings

The Department finds that:

(1) Public notice of intention to adopt the final-form regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The adoption of final-form regulations in the manner provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 28 Pa. Code, are amended by adding §§ 4.1—4.15 and Appendix A to read as set forth in Annex A.

(b) The Secretary of Health shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

(d) The Secretary of Health shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect August 27, 2001.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 3370 (June 23, 2000).)

Fiscal Note: 10-129. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART I. GENERAL HEALTH

CHAPTER 4. HEAD INJURY PROGRAM

Sec.	
4.1.	Scope and purpose.
4.2.	Definitions.
4.3.	Services eligible for payment.
4.4.	Requirements for provider participation.
4.5.	Application for enrollment as a HIP client.
4.6.	Assessment.
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4.10.	Transition period.
4.11.	Case management services.
4.12.	Funding limits.
4.13.	Payment for HIP services.
4.14.	Peer review.
4.15.	Administrative review.

§ 4.1. Scope and purpose.

(a) This chapter establishes standards for the Department to administer the Fund.

(b) The Department will use the Fund to administer a head injury program, as set forth in this chapter, to pay for medical, rehabilitation and attendant care services for persons with traumatic brain injury.

§ 4.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Agency head—The Secretary or a deputy secretary designated by the Secretary.

Alternative financial resources—

(i) All income subject to tax under section 61 of the Internal Revenue Code (26 U.S.C.A. § 61).

(ii) Funds which are available to the applicant or client by virtue of experiencing a TBI. These include, but are not limited to, court awards, insurance settlements and other financial settlements made as a result of the TBI and received by any person on behalf of or for the use of the applicant or client.

(iii) Funds which are available to the applicant or client through other State or Federal programs including, but not limited to, Medicaid, Medicare, Social Security Disability Insurance (Title II), Supplemental Security

Income (Title XVI), veterans' benefits, workers' compensation insurance and unemployment compensation insurance.

Applicant—An individual for whom a completed application for enrollment in HIP has been submitted to the Department.

Authorized representative—An individual who is authorized by law to make a decision for, or enter into an agreement on behalf of, an applicant or client. The term does not include an employee of the provider unless the employee is appointed by a court to serve as the legal guardian of the applicant or client.

Case management services—Services to be offered by the provider to a client during the enrollment period.

Case manager—An individual who delivers case management services to a client through a provider.

Client—An individual enrolled in HIP.

Day services—Nonresidential services intended to improve the physical, cognitive, behavioral or functional abilities of the client through therapeutic intervention and supervised activities which are provided on an outpatient basis at a facility belonging to a provider.

Department—The Department of Health of the Commonwealth.

Division—The Division of Child and Adult Health Services.

Enrollment period—The period of time, comprised of the rehabilitation period and the transition period, during which a client is enrolled in HIP.

Fund—The Catastrophic Medical and Rehabilitation Fund.

HIP—Head Injury Program—The traumatic brain injury program of the Department.

HIP Peer Review Committee—A committee, composed of professionals and representatives of organizations offering rehabilitation services in this Commonwealth to persons with traumatic brain injury, whose members are appointed by the Department to review rehabilitation plans and services offered to clients and to recommend actions to improve services.

HIP services—Rehabilitation and case management services for which the Department authorizes payment through HIP.

Home facilitation—A formal rehabilitation program which provides a community reentry specialist in the client's home to continue therapy learned by the client and to assist the client in the practice of techniques and strategies for living independently.

Immediate family—A parent, spouse, child, brother, sister, grandparent or grandchild and, when living in the family household (or under a common roof), all other individuals related by blood or marriage.

Peer review—A review of services and rehabilitation service plans for clients conducted by the HIP Peer Review Committee for the purpose of advising the Department on best practices to be followed in offering services to clients.

Provider—An individual, organization or facility that delivers rehabilitation and case management services to clients under a contractual agreement with the Department.

Rehabilitation period—The period of time that a client receives rehabilitation services through HIP.

Rehabilitation service plan—The written plan developed by the provider, which states specific goals to be achieved and expected time frames for achievement of each goal.

Rehabilitation services—Services provided to assist the client to recover from TBI, improve the client's health and welfare, and realize the client's maximum physical, social, cognitive, psychological and vocational potential for useful and productive activity. These services include neuropsychological evaluation, physical therapy, occupational therapy, speech or language therapy, behavior management, home facilitation, therapeutic recreation, prevocational services, case management services and psychological services which may include cognitive remediation.

Secretary—The Secretary of the Department.

TBI—traumatic brain injury—An insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Transition period—The period of time following the rehabilitation period during which a client receives case management services through HIP to guide and assist the client to make the transition out of HIP.

§ 4.3. Services eligible for payment.

HIP will pay for the following:

- (1) Assessments of applicants by providers.
- (2) Development of rehabilitation service plans by providers.
- (3) Rehabilitation services.
- (4) Case management services.

§ 4.4. Requirements for provider participation.

(a) Providers of residential, outpatient, day and home-based rehabilitation services shall be accredited by a National accrediting body as approved by the Department. From time to time, the Department will publish a list of approved National accrediting bodies in the *Pennsylvania Bulletin*.

(b) Providers shall provide rehabilitation services in accordance with their contractual agreements with the Department.

(c) Providers shall use forms and procedures as prescribed by the Division in the provision of rehabilitation services.

§ 4.5. Application for enrollment as a HIP client.

(a) *Initial contact*. An individual who is interested in enrolling in HIP or in arranging for another individual to be enrolled in HIP shall contact the Eligibility Specialist of the Division by writing to: Eligibility Specialist, Department of Health, Division of Child and Adult Health Services, Post Office Box 90, Room 724, Health And Welfare Building, Harrisburg, Pennsylvania 17108. Contact may also be made by facsimile or electronic mail.

(b) *Funding*. The Division will accept an application for enrollment in HIP only if the funds designated to HIP

from the Catastrophic Medical and Rehabilitation Appropriation exceed projected expenditures in providing HIP services to current clients.

(c) *Waiting list*. If the funds designated to HIP from the Catastrophic Medical and Rehabilitation Appropriation are not adequate to enable the Division to accept an application for an individual for whom enrollment in HIP is sought, the Division will place the individual on a waiting list if the individual so elects. The individual on the waiting list or the authorized representative shall immediately notify the Division of any change in mailing address. The Division will request an individual on the waiting list, or the authorized representative, to submit an application for enrollment as funding becomes available. Except as otherwise provided in this chapter, the Division will request individuals on the waiting list, or their authorized representatives, to submit applications in the order that the requests to be placed on the waiting list were received by the Division. Individuals who are receiving case management services through HIP as of August 27, 2001, but who have never received rehabilitation services through HIP, will be given first priority on the waiting list.

(d) *Application*. When an individual qualifies to receive an application for enrollment in HIP, the Division will send to that individual or the person who sought to enroll that individual in HIP, at the mailing address provided to the Division, information on HIP and application materials. If the individual is on a waiting list, the Division will also request that the individual notify the Division in writing whether the individual is still seeking enrollment in HIP. The notification shall be timely only if it is postmarked within 21 days after the date the materials were sent by the Division. If the Division receives a timely notification that enrollment in HIP is desired, the Division will proceed with the application process. If the Division is apprised that enrollment in HIP is no longer desired, or if the Division does not receive timely notification of continued interest in enrollment, the Division will remove the individual from the waiting list, contact the next person on the waiting list and repeat the process.

(e) *Request and application for reenrollment*. A request for reenrollment may be filed for an individual who was previously enrolled in HIP. If there is a waiting list, the Division will not accept an application for reenrollment. Instead, it will place the individual on the waiting list. The Division will give priority to individuals on the waiting list who have not previously received rehabilitation services from HIP. The Division will request individuals who have previously received rehabilitation services from HIP who are on the waiting list, or their authorized representatives, to submit applications for reenrollment. The Division's requests for these applications will be made in the order that the requests for reenrollment were received. Except as provided in subsection (c), the Division will only accept a request or application for reenrollment for an individual who is not a client at the time the request or application is made.

(f) *Acceptance of application*. The Division will accept an application for enrollment only from the individual for whom enrollment is sought or from an authorized representative.

§ 4.6. Assessment.

(a) *Eligibility for assessment*. The Division will review an application for enrollment in HIP to determine whether the applicant is eligible for an assessment, as follows:

(1) *General criteria.* An applicant shall be eligible for an assessment only if all of the following requirements are met:

- (i) The applicant sustained a TBI after July 2, 1985.
- (ii) The applicant is a citizen of the United States and was domiciled in this Commonwealth at the time of the injury and at the time of application for enrollment in HIP.
- (iii) The applicant is 21 years of age or older.
- (iv) The application is completed and is accompanied by the documentation that is requested to verify the applicant's satisfaction of the eligibility criteria in this subsection.

(v) The applicant's alternative financial resources are at or below 300% of the Federal Poverty Income Guidelines.

(A) The applicant's income will be assessed using the applicant's most recent Federal Income Tax form, which the applicant shall provide. If that form is unavailable, the Division may request other documentation of income. If the most recent Federal Income Tax form is not representative of the applicant's income at the time of application, the applicant may submit documents to that effect in support of the application.

(B) The applicant shall provide, on forms provided by the Division, information about any court award or financial settlement made or pending as a result of the TBI, and any other funds which are available to the applicant. If all or part of the award, settlement or other funds is unavailable to the applicant to use for HIP services, the applicant may submit documents to that effect in support of the application.

(2) *Condition criteria.* An applicant shall be eligible for an assessment only if the applicant's impairment is not the result of one or more of the following conditions:

- (i) Cognitive or motor dysfunction related to congenital or hereditary birth defects.
- (ii) Putative birth trauma or asphyxia neonatorum (hypoxic-ischemic-encephalopathy).
- (iii) Hypoxic encephalopathy unrelated to TBI.
- (iv) Significant preexisting psychiatric, organic or degenerative brain disorder.
- (v) Stroke.
- (vi) Spinal cord injury in the absence of TBI.

(3) *Symptom criteria.* An applicant shall be eligible for an assessment only if the applicant does not manifest any symptom, such as a comatose condition, which would prevent the applicant from participating in the assessment in a meaningful way or prevent the provider from doing a full and complete assessment.

(4) *Assignment agreement.* An applicant shall be eligible for an assessment only if the applicant or authorized representative completes an assignment agreement which, conditioned upon the applicant's receipt of HIP services, would assign to the Department rights in future court awards, insurance settlements or any other proceeds which have accrued or will accrue to the applicant as a result or by virtue of the applicant's TBI, up to the amount expended for HIP services on behalf of that individual.

(b) *Assessment process.* The Division will refer an applicant who is eligible for an assessment to a provider. The provider shall assess the applicant for the following:

(1) To corroborate the Division's determination that the applicant satisfies the condition and symptom criteria in subsection (a)(2) and (3).

(2) To determine that the applicant has the physical, social, cognitive, psychological and vocational potential for useful and productive activity which can be nurtured by rehabilitation services available through HIP so as to enable the applicant to progress toward a higher level of functioning and transition to a less restrictive environment.

(3) To determine that the applicant has needs that can be addressed by HIP services, that will not be addressed by any other services to which the applicant is entitled.

(4) To determine that the applicant does not manifest suicidal or homicidal ideation, or potentially harmful aggressive behavior, to such a degree that HIP cannot provide the appropriate services through its providers to sufficiently address these ideations or behaviors.

(c) *Forms and procedure.* The provider shall complete the assessment on forms provided by the Division. A provider conducting an assessment shall:

- (1) Review the applicant's medical records.
- (2) Review all pertinent documentation submitted by physicians on behalf of the applicant.
- (3) Evaluate the applicant's ability to benefit from rehabilitation services, performed in accordance with standards prevailing in the field.

(d) *Development of rehabilitation service plan.* If the provider corroborates the Division's initial determination under subsection (a)(2) and (3), and determines that the applicant meets the criteria in subsection (b)(2)—(4), the provider shall develop a rehabilitation service plan for the applicant as specified in § 4.8 (relating to rehabilitation service plan).

(e) *Assessment period.* The provider shall complete its assessment and give written notification of its determination to the Division and the applicant or authorized representative within 14 days after the provider begins to conduct an assessment of the applicant. If the provider determines that the applicant is eligible for enrollment in HIP, the provider shall also complete a rehabilitation service plan for the applicant within that 14-day period.

(f) *Reapplication.* If the Division determines that an individual is not eligible for an assessment or that an applicant is not eligible for enrollment in HIP after an assessment has been completed, the individual may repeat the process for seeking enrollment in HIP when the individual or authorized representative believes that the factors which rendered the individual ineligible for enrollment in HIP have been eliminated.

§ 4.7. Enrollment.

(a) *Notification of decision.* The Division will notify an applicant or authorized representative in writing of its decision regarding an application for enrollment within 16 days after receiving from the provider the completed assessment and, if applicable, its decision regarding the rehabilitation service plan. If the Division determines that the applicant is ineligible, the notice will include the reason for that determination and will advise of appeal rights.

(b) *Provider determination that applicant is not eligible for enrollment.* If, after assessing the applicant the provider determines that the applicant does not satisfy the condition and symptom criteria in § 4.6(a)(2) and (3) (relating to assessment), lacks the potential to benefit or the need described in § 4.6(b)(2) and (3) or manifests ideation or behavior which would render the applicant unfit to participate in HIP under § 4.6(b)(4), the provider shall share its findings with the Division and the applicant or authorized representative. The Division will provide the applicant or authorized representative the opportunity to rebut the provider's findings, and then will make a determination as to whether the applicant is eligible for enrollment in HIP.

(c) *Overtaking provider determinations.* If the Division determines that an applicant is eligible for enrollment in HIP despite the provider's determination to the contrary, or that a rehabilitation service plan is unacceptable, the Division will direct the provider, or another provider at the Division's discretion, to develop a rehabilitation service plan for the applicant within 14 days of receiving the Division's decision. The Division will act on the revised rehabilitation service plan within 16 days after receipt.

(d) *Commencement of enrollment.* A client's enrollment begins on the first day that a client receives rehabilitation services from a provider after the Division issues its written notification granting enrollment in HIP.

(e) *Duration of enrollment.* The enrollment period of a client shall be specified in the client's rehabilitation service plan. It may not exceed 18 consecutive months, comprised of a maximum rehabilitation period of 12 consecutive months followed by a maximum transition period of 6 consecutive months. A client's enrollment shall end prior to the time designated in the client's rehabilitation service plan when one of the following occurs:

(1) The Division determines that the continuation of HIP services will not enable the client to progress to a higher level of functioning and transition to a less restrictive environment.

(2) The client fails to cooperate or exhibits unmanageable behavior so that HIP cannot provide the appropriate services to meet the client's needs under § 4.6(b)(4).

(3) The maximum funds available for allocation to the client under § 4.12 (relating to funding limits) are exhausted.

(4) The client becomes eligible for other services offered as a result of the TBI, which services will meet the client's needs or duplicate HIP services so that HIP services are rendered unnecessary.

(f) *Notification of discharge from HIP.* The Division will notify a client or authorized representative in writing of its decision to terminate the client's participation in HIP. The notice will include the reason for the decision and will advise of appeal rights.

(g) *Grandfather clause.* Clients who are receiving rehabilitation services as of August 27, 2001 are eligible for the maximum enrollment period, beginning on August 27, 2001. Clients who are receiving only case management services as of August 27, 2001 are eligible for the maximum transition period.

§ 4.8. Rehabilitation service plan.

(a) *Development of rehabilitation service plan.* The provider shall collaborate with the applicant or authorized representative, and may collaborate with other individu-

als identified by the applicant, to develop a rehabilitation service plan for the applicant.

(b) *Goal.* The primary goal of the rehabilitation service plan shall be to enable the client to progress to a higher level of functioning, which will, in turn, enable the client to transition to a less restrictive environment.

(c) *Requirements.* The initial rehabilitation service plan shall contain the following:

(1) A description of desirable goals and the anticipated outcomes in objective and measurable terms, including the expected time frames for the achievement of each goal and outcome, for the entire enrollment period.

(2) A specification of the HIP services necessary to attain the agreed-upon goals.

(3) A specification of any other services to which the applicant is entitled and a description of the impact of those services upon the attainment of the agreed-upon goals.

(4) Beginning and ending dates of each HIP service.

(5) The terms and conditions for HIP service delivery.

(6) The specific responsibilities of the applicant and service provider relative to implementation of each HIP service.

(7) The extent of financial responsibility of the applicant, HIP and any third party.

(d) *Quarterly review.* The rehabilitation service plan shall include a procedure and schedule for quarterly review and evaluation of progress towards the specified goals. These written reviews shall be submitted to the Division.

(e) *Modifications.* The provider shall make modifications to the rehabilitation service plan as often as necessary, and in accordance with subsections (a)—(d). Modifications shall indicate whether previously set goals were met. When goals were not met, modifications shall address the reasons why, and modify or change goals appropriately.

§ 4.9. Rehabilitation period.

(a) *Provision of rehabilitation services.* During the rehabilitation period a provider shall coordinate the provision of rehabilitation services to a client to ensure achievement of goals consistent with the rehabilitation service plan, and as appropriate to the needs of the client to improve the client's health, welfare and the realization of the client's maximum physical, social, cognitive, psychological and vocational potential for useful and productive activity.

(b) *Supervision.* Rehabilitation services shall be provided or their provision shall be supervised by a physician or other appropriate health professional qualified by training or experience to provide or supervise these services.

(c) *Purpose.* If authorized under the rehabilitation service plan, rehabilitation services may be provided for the following purposes:

(1) Helping a client develop behaviors that enable the client to take responsibility for the client's own actions.

(2) Facilitating a client's successful community integration.

(3) Assisting a client to accomplish functional outcomes at home and in the community.

(4) Teaching a client skills to live independently.

(5) Supervising a client living in a home setting through the following:

- (i) Home facilitation.
- (ii) Physical rehabilitation.
- (iii) Cognitive remediation.
- (iv) Life-skills coaching.
- (v) Assisting the client in maintaining independence.
- (6) Providing transitional living services to assist a client with community reentry skills.
- (7) Maximizing a client's physical potential.

§ 4.10. Transition period.

(a) *Provision of case management services.* Following the rehabilitation period, HIP will provide case management services to assist the client in making the transition out of HIP.

(b) *Commencement of transition period.* The transition period will commence immediately following the end of the rehabilitation period.

(c) *Duration of transition period.* The transition period may not exceed 6 consecutive months, and shall end when the maximum funds available for allocation to the client are exhausted under § 4.12 (relating to funding limits).

§ 4.11. Case management services.

Case management services shall be provided by a case manager who has a minimum of 1 year of experience in TBI case management, and shall include the following activities by the case manager:

(1) Monitoring the client's progress with respect to the rehabilitation service plan and collaborating with the client or authorized representative, the client's significant others and the rest of the treatment team in the development and modification of the rehabilitation service plan.

(2) Assisting the client in gaining access to services from which the client may benefit and for which the client may be eligible.

(3) Monitoring and evaluating the client's progress in transitioning to living in a home or community setting and ensuring that any necessary supports are in place, or facilitating placement of the client in a long-term care facility.

(4) Determining that the client has fully transitioned to the home or community or has been referred to the appropriate long-term care facility.

§ 4.12. Funding limits.

(a) HIP will provide no more than \$100,000 for case management and rehabilitation services for a client during a rehabilitation period. This amount will be reduced by any client share of costs under § 4.13(b) (relating to payment for HIP services).

(b) HIP will provide no more than \$1,000 for case management services for a client during a transition period. This amount will be reduced by any client share of costs under § 4.13(b).

(c) The Division will notify an applicant of these maximum funding limits when it accepts the applicant as a client.

§ 4.13. Payment for HIP services.

(a) *Written authorization.* The Division will provide written authorization, to the client and to the provider, as

to HIP services for which the client is eligible and the maximum available funding and time limits for those services.

(b) *Client responsibility for payment.* If the Division determines that a client is responsible to pay for any part of HIP services, the client will be informed of that fact, and of the amount for which the client is responsible, as follows:

(1) The client shall be assessed a share of the cost of HIP based upon alternative financial resources between 185% and 300% of the Federal Poverty Income Guidelines. The patient's share of the cost shall be determined using the Patient Share of Cost Table in Appendix A, as periodically updated and published in the *Pennsylvania Bulletin*.

(2) The client will be responsible to pay for HIP services up to the amount of alternative financial resources which exceed 300% of the Federal Poverty Income Guidelines.

(c) *Notification of discontinuance of HIP funding.* The Division will notify a client in writing of any discontinuance of funding. The notice will include the reason for the discontinuance and advise of appeal rights.

(d) *Duty to update financial information.* A client shall immediately report to the Division all changes in availability of alternative financial resources.

(e) *Preexisting conditions.* HIP will not pay for services to address conditions existing prior to the TBI.

(f) *Services funded through other benefit programs.* HIP will not pay for services available through other publicly funded programs. The provider will coordinate HIP with other public and private programs to assist clients to access benefits for which they may be eligible.

(g) *Reimbursement.* The Department may seek reimbursement for payments made with HIP funds on behalf of a client from an insurer that provides coverage to the client or from the proceeds of any litigation arising out of the injury which led to eligibility for enrollment in HIP.

§ 4.14. Peer review.

(a) *Purpose.* The Department will appoint a peer review committee to conduct a review of services and rehabilitation service plans for clients. The HIP Peer Review Committee (Committee) shall advise the Department on best practices to be followed in offering services to clients.

(b) *Procedures.*

(1) The Committee shall meet quarterly and review selected client charts, including charts for at least one client from each provider providing services at the time of the quarterly meeting, to evaluate the appropriateness of provision of services and client progress.

(2) Within 30 days after it completes its review, the Committee shall provide to the Department, in writing, recommendations regarding the provision of services by each provider.

(3) A member of the Committee may not participate in a review conducted by the Committee that presents a conflict of interest for that member. Examples of conflicts include, but are not limited to, participating in a review conducted by the Committee for one of the following:

(i) A service provided to a client of that member, that member's employer or that member's immediate family.

(ii) A service provided by a person who is in the immediate family of the member.

(4) The Division will notify the Committee of any actions taken on the recommendations of the Committee.

§ 4.15. Administrative review.

(a) Reconsideration by Division.

(1) An applicant, client or authorized representative may file with the Division a request for it to reconsider any of the following decisions made by the Division:

(i) An applicant is not eligible for an assessment.

(ii) An assessed applicant is not eligible for enrollment.

(iii) A disapproval or revision of a rehabilitation service plan.

(iv) A client is to be discharged from HIP prior to the date specified in the client's rehabilitation service plan.

(v) Alternative financial resources are available so that the client must pay for HIP services.

(2) At the time a decision is made, the Division will notify the applicant, client or authorized representative in writing of the right to seek administrative review. The letter will advise the recipient to seek assistance from legal counsel, family and others who may serve in an advisory role, and include contact information for a HIP representative to answer questions.

(3) An applicant, client or authorized representative shall file a request for reconsideration within 15 calendar days after the mailing date of the Division's determination. The request shall meet the following standards:

(i) State the specific legal and factual reasons for disagreement with the decision.

(ii) Identify the relief that is being sought for the applicant or client.

(iii) Include supporting documentation, if any, to support the factual averments made.

(4) The Division will notify the applicant, client or authorized representative in writing of its decision within 30 days after receiving the request for reconsideration.

(b) Administrative appeal.

(1) An applicant, client or authorized representative may file an administrative appeal to the Agency Head within 30 days after the mailing date of the Division's decision on the request for reconsideration. An applicant, client, or authorized representative may not file an administrative appeal unless reconsideration has been sought and the requested relief has been denied.

(2) A hearing will be held only if a material issue of fact is in dispute.

(c) General rules. The General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II, apply except when inconsistent with this section.

(d) Status of clients and applicants. A client shall continue to receive HIP services until the client's right to administrative review has been exhausted, and until the maximum funds available to a client under § 4.12 (relating to funding limits) are exhausted, or the maximum duration for enrollment under § 4.7(e) (relating to enrollment) has expired. An applicant, including one who has completed the assessment period, will not receive HIP services pending the disposition of the administrative review.

Appendix A

**BUREAU OF FAMILY HEALTH
DIVISION CHILD AND ADULT HEALTH SERVICES**

PATIENT SHARE of COST (PSC) TABLE

PSC	\$0	\$0	\$50	\$250	\$400	\$550	\$700	\$850	\$1000	\$1150
% of Poverty	0 to 100%	>100 to 185%	>185 to 225%	>225 to 250%	>250 to 275%	>275 to 300%	>300 to 325%	>325 to 350%	>350 to 375%	>375 to 400%
Size of Family Unit	Income Ranges						Use these columns only for clients who were in DCAHS programs prior to 1/1/97 and have continuous participation without a lapse in eligibility.			
1	0	8,591	15,893	19,329	21,476	23,624	25,771	27,919	30,066	32,214
	8,590	15,892	19,328	21,475	23,623	25,770	27,918	30,065	32,213	34,360
2	0	11,611	21,480	26,124	29,026	31,929	34,831	37,734	40,636	43,539
	11,610	21,479	26,123	29,025	31,928	34,830	37,733	40,635	43,538	46,440
3	0	14,631	27,067	32,919	36,576	40,234	43,891	47,549	51,206	54,864
	14,630	27,066	32,918	36,575	40,233	43,890	47,548	51,205	54,863	58,520
4	0	17,651	32,654	39,714	44,126	48,539	52,951	57,364	61,776	66,189
	17,650	32,653	39,713	44,125	48,538	52,950	57,363	61,775	66,188	70,600
5	0	20,671	38,241	46,509	51,676	56,844	62,011	67,179	72,346	77,514
	20,670	38,240	46,508	51,675	56,843	62,010	67,178	72,345	77,513	82,680
6	0	23,691	43,828	53,304	59,226	65,149	71,071	76,994	82,916	88,839
	23,690	43,827	53,303	59,225	65,148	71,070	76,993	82,915	88,838	94,760

PSC	\$0	\$0	\$50	\$250	\$400	\$550	\$700	\$850	\$1000	\$1150
% of Poverty	0 to 100%	>100 to 185%	>185 to 225%	>225 to 250%	>250 to 275%	>275 to 300%	>300 to 325%	>325 to 350%	>350 to 375%	>375 to 400%
Size of Family Unit	Income Ranges						Use these columns only for clients who were in DCAHS programs prior to 1/1/97 and have continuous participation without a lapse in eligibility.			
7	0	26,711	49,415	60,099	66,776	73,454	80,131	86,809	93,486	100,164
	26,710	49,414	60,098	66,775	73,453	80,130	86,808	93,485	100,163	106,840
8	0	29,731	55,002	66,894	74,326	81,759	89,191	96,624	104,056	111,489
	29,730	55,001	66,893	74,325	81,758	89,190	96,623	104,055	111,488	118,920
9	0	32,751	60,589	73,689	81,876	90,064	98,251	106,439	114,626	122,814
	32,750	60,588	73,688	81,875	90,063	98,250	106,438	114,625	122,813	131,000
10	0	35,771	66,176	80,484	89,426	98,369	107,311	116,254	125,196	134,139
	35,770	66,175	80,483	89,425	98,368	107,310	116,253	125,195	134,138	143,080
11	0	38,791	71,763	87,279	96,976	106,674	116,371	126,069	135,766	145,464
	38,790	71,762	87,278	96,975	106,673	116,370	126,068	135,765	145,463	155,160
12	0	41,811	77,350	94,074	104,526	114,979	125,431	135,884	146,336	156,789
	41,810	77,349	94,073	104,525	114,978	125,430	135,883	146,335	156,788	167,240
13	0	44,831	82,937	100,869	112,076	123,284	134,491	145,699	156,906	168,114
	44,830	82,936	100,868	112,075	123,283	134,490	145,698	156,905	168,113	179,320
14	0	47,851	88,524	107,664	119,626	131,589	143,551	155,514	167,476	179,439
	47,850	88,523	107,663	119,625	131,588	143,550	155,513	167,475	179,438	191,400
15	0	50,871	94,111	114,459	127,176	139,894	152,611	165,329	178,046	190,764
	50,870	94,110	114,458	127,175	139,893	152,610	165,328	178,045	190,763	203,480
16	0	53,891	99,698	121,254	134,726	148,199	161,671	175,144	188,616	202,089
	53,890	99,697	121,253	134,725	148,198	161,670	175,143	188,615	202,088	215,560

Note: This table is revised each year based on the release of HHS Federal Poverty Income Guidelines by the United States Department of Health and Human Services. The figures above were published in the *Federal Register*: February 16, 2001 (Volume 66, Number 33) Notices: (pages 10695—10697).

[Pa.B. Doc. No. 01-1379. Filed for public inspection July 27, 2001, 9:00 a.m.]

Title 52— PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITIES COMMISSION [52 PA. CODE CHS. 3 AND 62]

[Correction]

Licensing Requirements for Natural Gas Suppliers

An error occurred in the listing of the fiscal note number for a regulation published at 31 Pa.B. 3943, 3951 (July 21, 2001). The correct fiscal note number is: 57-217.

[Pa.B. Doc. No. 01-01-1307. Filed for public inspection July 20, 2001, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Corrective Amendment to 58 Pa. Code §§ 143.42 and 143.51

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code §§ 143.42 and 143.51 (relating to definitions; and application and issuance of surplus tags) as deposited with the Legislative Reference Bureau and the official text published at 31 Pa.B. 2926 (June 9, 2001), and scheduled for *Pennsylvania Code* supplement to be published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 321) in August 2001. The definition of "private land" was not deleted in § 143.42; and in § 143.51, subsection (f)(1)—(4) was not deleted.

Therefore, under 45 Pa.C.S. § 901: The Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code §§ 143.42 and 143.51. The corrective amendment to 58 Pa. Code §§ 143.42 and 143.51 is effective as of August 4, 2001, the date the defective official text will be announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code §§ 143.42 and 143.51 appears in Annex A.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

**CHAPTER 143. HUNTING AND FURTAKE
LICENSES**

Subchapter K. ELK LICENSES

§ 143.42. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Application—The form issued with a regular hunting license used in applying for an antlerless license.

County allocation—The number of licenses allocated by the Commission to an individual county.

County treasurer—A county treasurer in this Commonwealth or a person carrying out the duties and responsibilities of a county treasurer in counties functioning under a home rule charter.

Date issued—The date placed on the license by a county treasurer indicating when the license was mailed or given to the person named on the license.

Envelope—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to the county treasurer.

Home address—The location where a person is legally domiciled; a true, fixed and permanent home and principal residence; and the place to which, whenever the applicant is temporarily absent, he intends to return.

License—The numbered back tag which is issued by the county treasurer authorizing the holder thereof to hunt antlerless deer in a specific county. Each license has its own antlerless deer ear tag and antlerless deer harvest report card attached to be used only for tagging and reporting an antlerless deer harvested.

Public drawing—An impartial, random drawing, open to public view to select successful applicants for licenses.

Unsold tag—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the county of issue.

Unsold tag application—The form contained in the "Hunting and Trapping Digest" used in applying for an unsold tag.

Void—A voided license which remains nonissuable.

§ 143.51. Application and issuance of unsold tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only

use the unsold application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to "County Treasurer," shall accompany the application.

(e) Unsold tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

(f) Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mail.

[Pa.B. Doc. No. 01-1380. Filed for public inspection July 27, 2001, 9:00 a.m.]

**Title 67—
TRANSPORTATION
DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CHS. 445 AND 491]**

**Administrative Practice and Procedures; Outdoor
Advertising Devices**

The Department of Transportation (Department), acting through its Office of Chief Counsel, adopts amendments to Chapters 445 and 491 (relating to outdoor advertising devices; and administrative practices and procedures), to read as set forth in Annex A.

Purpose of Final-Form Rulemaking

These amendments provide a clearer, more comprehensive set of rules governing administrative proceedings before the Department, enumerating specific requirements for hearing requests and facilitating administrative review of Department decisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 5515 (October 23, 1999), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Transportation Committees. In addition to these final-form regulations, the Department provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the standing committees with copies of all comments received. In preparing the final-form regulations, the Department considered all comments submitted.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on March 3, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regula-

tory Review Act, IRRC met on March 22, 2001, and approved these final-form regulations.

Comments and Responses

The Department received two responses to the request for comments from private sector attorneys. In addition, IRRC's regulatory review produced several comments. The Department prepared a comment and response document to address these comments; copies of this document are available upon request.

On December 14, 2000, IRRC disapproved the Department's amendments citing two points: first, IRRC requested that the Department add a definition of the term "party" to § 491.2 (relating to definitions). Second, IRRC requested that the Department delete the term "participant" from § 491.8 (relating to service). The Department has complied with these requests and the requested changes have been made in the final-form regulations.

The final-form text of the regulations contains additional modifications, deletions and additions; none of these enlarge the scope of the amendments as previously proposed. The following represents a summary of the additional changes:

- Section 491.1 has been amended, at the request of IRRC, to define the phrase "date of filing" as the date of receipt at the office of the agency and to further clarify the definition of "office of the agency" to include matters under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

- Section 491.2a (relating to separation of adjudicatory function from representation before the Department) has been amended at the request of IRRC for verb consistency and Legislative Reference Bureau style and to delete the term "likewise" at the beginning of § 491.2a(c).

- Section 491.3 (relating to request for hearing) has been further amended at the request of IRRC, adding a new paragraph (4) to § 491.3(a), directing the party requesting a hearing to include an address where documents and pleadings may be served.

- Section 491.6 (relating to notice of conduct of hearing) has been amended at the conclusion of § 491.6(d)(2)(ii) to correct an editorial mistake made at the time of the proposed rulemaking. The section now explains that this supplements 1 Pa. Code §§ 35.27—35.36.

- Sections 491.7—491.9 (relating to filing requirements; service; and order to show cause) have been amended to delete references to "participants" in the proceedings. This change, which was inadvertently omitted from the proposed rulemaking, makes the final-form amendments consistent with similar changes made throughout the chapter in the notice of proposed rulemaking.

Statutory Authority

The statutory authority for these amendments is found in 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

Persons and Entities Affected

These amendments affect all Department personnel involved in the administrative hearing process as well as any person who requests administrative review of Department determinations.

Fiscal Impact: Paperwork Requirements

These amendments will not impose any increased costs on private persons or on State or local governments. No

additional reports or other paperwork requirements will be developed as a result of these amendments.

Effective Date

These final-form regulations are effective as of the date of final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

As these amendments are necessary to administrative practice before the Department, no sunset date is established. The Department will continue to monitor these amendments for their effectiveness.

Contact Person

Individuals who need information about the final-form amendments may contact Robert H. Raymond, Jr., Administrative Hearing Officer, Department of Transportation, P. O. Box 8212, Harrisburg, PA 17105-8212.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapters 445 and 491, are amended by amending §§ 445.9, 491.1, 491.2 and 491.3—491.13 and by adding § 491.2a to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

BRADLEY L. MALLORY,

Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 1925 (April 7, 2001).)

Fiscal Note: Fiscal Note 18-349 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 445. OUTDOOR ADVERTISING DEVICES

§ 445.9. Erection, maintenance and repair of signs.

(a) *Application.* This section applies to signs erected or controlled under this chapter or the act.

(b) *Use of limited access highway right-of-way prohibited.* A sign may not be erected, maintained or repaired from a portion of a limited access highway right-of-way. Sign owners or others responsible for the erection, maintenance or repair of a sign shall be required to perform these functions from areas maintained or controlled by them; nor may a vehicle be used in conjunction with an activity, be parked or stood within the limited access highway right-of-way.

(c) *Preservation of vegetation.* Vegetation located in the highway right-of-way may not be destroyed, damaged, removed or disturbed in maintaining, repairing or erecting a sign.

(d) *Penalty for violation of section.* Penalty for violation of this section shall comply with the following:

(1) *Penalty.* Penalty shall be as follows:

(i) Except as provided in paragraph (2), if a landowner or sign owner or their employees or agents violate a provision of this section, the permit for the sign shall be revoked and the sign owner shall be required to remove the sign in the manner set forth in § 445.8(c) (relating to abandoned signs).

(ii) If a sign permit is revoked under this section, a permit will not be issued to the sign owner for a sign within 500 feet of the original sign; nor will a permit be issued to another person for a sign within 500 feet of the original sign for 1 year from the removal of the original sign.

(2) *Payment in lieu of removal.* Payment in lieu of removal shall include:

(i) In the case of a first offense, the Department will, in lieu of removal of the sign under paragraph (1), accept payment of \$100 for a violation of subsection (b) or double the value of the vegetation for a violation of subsection (c).

(ii) If the Department accepts payment in lieu of removal under subparagraph (i), the owner of the sign will be required to post a bond, in a form acceptable to the Department, to guarantee payment of removal costs of the sign in the event of a subsequent violation of this section with reference to the sign.

(e) *Grounds for denial of permit.* The Department will deny a permit for an outdoor advertising device if it determines that the device cannot be serviced in a feasible manner except from the right-of-way of a limited access highway, or that the device would not be visible from the highway without destruction, damage, removal or disturbance of vegetation in the highway right-of-way.

(f) *Hearing.* A person notified of the revocation or denial of a permit under this section shall be granted a hearing by the Department hearing officer if a request is made within 30 days of the date of the notice revoking or denying the permit. A request for a hearing shall operate to stay the revocation of a permit pending disposition of the hearing.

ARTICLE V. GENERAL PROCEDURES

CHAPTER 491. ADMINISTRATIVE PRACTICE AND PROCEDURE.

§ 491.1. Applicability of General Rules.

This chapter supplements and supersedes inconsistent provisions in the General Rules.

(1) This chapter applies to activities and proceedings before the Department in matters under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) which are not vested in other bodies by law.

(2) To the extent this chapter does not supplement nor supersede the General Rules, the General Rules will apply to activities and proceedings before the Department.

§ 491.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Department—The Department of Transportation of the Commonwealth.

Date of filing—The date a legal document is received at the office of the Department.

Date of receipt at the office of the Department—The date on which a legal document is received and docketed by the appropriate Department docket clerk.

General Rules—The rules found in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

Office of the agency—The office of the Administrative Docket Clerk, or the Driver Licensing Docket Clerk, upon which commencement of process is made upon the Secretary for the purpose of activities and proceedings before the Department in matters under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

Party—Any appellant, appellee, complainant, intervenor, petitioner or respondent in a matter brought before a Department hearing officer.

Secretary—The Secretary of the Department.

§ 491.2a. Separation of adjudicatory function from representation of the Department.

(a) *Separation of adjudicatory function.* The adjudicatory function performed in accordance with this chapter and the General Rules will be separated from the function of representing the Department in administrative hearing matters. This chapter prescribes that an administrative hearing officer will preside over any hearing and, if exceptions are filed by any party, the decision ultimately is made by the Secretary. The Department's Chief Counsel advises the Secretary in his adjudicatory capacity.

(b) *Ex parte discussions.* Under no circumstances may any Department attorney representing the Department in an administrative hearing matter, or any Department employee involved in such a matter, discuss the case ex parte with the Administrative Hearing Officer, the Chief Counsel or the Secretary.

(c) *Prohibited discussions with employees.* The Administrative Hearing Officer, the Chief Counsel and the Secretary may not discuss with, or exercise any supervisory responsibility over, any employee with respect to an administrative hearing matter with which that employee is involved.

(d) *Designation by Chief Counsel and Secretary.* If it becomes necessary for the Chief Counsel or the Secretary to become involved on behalf of the Department in any administrative hearing matter, they are prohibited from participating in the adjudication of the case and shall designate appropriate individuals to exercise their adjudicatory functions.

§ 491.3. Request for hearing.

(a) *Content.* A request for a hearing shall be made in writing and shall contain:

(1) A clear and concise statement of the facts of the case, including all essential elements of the claim.

(2) A clear and specific list of the legal issues upon which the appeal is based and the desired remedy.

(3) A copy of the denial or revocation letter, permit, statutory or regulatory provision or other document which gives rise to the appeal.

(4) For the party requesting the hearing, an address where documents and pleadings may be served upon that party.

(b) *Timeliness of petition for hearing.*

(1) *General rule.* Except as otherwise provided in paragraph (2) or by statute or regulation, every request for a hearing shall be filed within 30 days of the Department's determination which gives rise to the appeal.

(2) *Request for credit toward serving driving privilege or vehicle registration suspensions.* Every request for a hearing to request credit toward serving a driving privilege or vehicle registration suspension shall be filed on the earlier of the following dates:

(i) Thirty days after the mailing date of the Department's letter denying credit.

(ii) Thirty days after the date the person requesting the hearing knew or should have known that the person was not receiving credit.

(c) *Determination of insufficiency.* The Department hearing officer may determine that a request for a hearing is insufficient or improper under the General Rules or this chapter and may direct the docket clerk to mark the matter closed and to return the request, with notice of the deficiency, to the initiating party.

(d) *Department's request for clarification of the issues.* The Department may request that the Department hearing officer order that the opposing counsel or party more specifically articulate the issues giving rise to the appeal.

(e) *Supplementation.* This section supplements 1 Pa. Code § 35.121 (relating to the initiation of hearing).

§ 491.4. Institution of proceedings.

(a) *Approval and docketing.* Upon approval, under § 491.3(b) (relating to request for hearing), of a written request for a hearing, or upon receipt of a written request from the Department for an order to show cause under § 491.9 (relating to order to show cause), the docket clerk will assign the matter a caption, including a docket number, and will enter the matter into the docket.

(b) *Caption and docket number.* The caption and docket number shall appear on all correspondence, pleadings, briefs or other papers relating to the case.

(c) *Docket clerks as office of the agency/timely filings.* For purposes of activities and proceedings before the Department in matters under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) which are not vested in other bodies by law, the Administrative Docket Clerk and the Driver Licensing Docket Clerk are designated as the office of the agency. As the office of the agency, all correspondence, pleadings, briefs, orders and other papers relating to the case shall be filed with the Administrative Docket Clerk or the Driver Licensing Docket Clerk. The date of receipt at the office of the agency and not the date of deposit in the mails shall determine time of filing.

(d) *Address for filing.* Correspondence, pleadings, briefs, orders or other papers relating to the case shall be filed with the appropriate docket clerk at the following address:

(1) Secretary of Transportation, Driver Licensing Docket Clerk, 1101 South Front Street, 3rd Floor, Harrisburg, Pennsylvania 17104-2516 (or other address that may be designated by the Department) for matters involving:

(i) Appeals from the Department's denial or recall of an occupational limited license.

(ii) Appeals from the Department's cancellation, denial or recall of a probationary license.

(iii) Requests for record review under 75 Pa.C.S. § 1516 (relating to Department records).

(iv) Hearings to request credit toward serving driving privilege or vehicle registration suspensions.

(2) Secretary of Transportation, Administrative Docket Clerk, c/o Office of Chief Counsel, Commonwealth Keystone Building, 400 North Street, 9th floor, Harrisburg, Pennsylvania 17120-0096 (or other address that may be specified by the Department), for all matters not specified in paragraph (1), including but not limited to:

(i) Minimum use driveway permits.

(ii) Low, medium and high volume driveway permits.

(iii) School bus/hazardous walking routes.

(iv) Overweight or oversize truck hauling permits.

(v) Private airport permits.

(vi) Public airport permits.

(vii) Outdoor advertising sign permits.

(viii) Prequalification, suspension or debarment.

(ix) Personnel salary claims.

(x) Municipal reimbursements.

(xi) Appeals from the Department's refusal to issue a certificate of title for reasons other than failure to pay a required fee or tax in connection with or resulting from the acquisition or use of a vehicle.

(xii) Matters pertaining to reasonable access for tractor-trailer vehicle combinations.

(xiii) Miscellaneous matters (including petitions to intervene).

(e) *Supplementation.* This section supplements 1 Pa. Code § 35.121 (relating to the initiation of hearings).

§ 491.5. Filing fee.

(a) *Fee required with request for a hearing.* A filing fee shall accompany a written request for a hearing in all matters except those involving the suspension or revocation of a permit, license, certificate or privilege by the Department, in which event a filing fee is not required, except as specified in subsection (b).

(1) The schedule of filing fees will be reviewed and revised periodically by the Department and will be published in the *Pennsylvania Bulletin*.

(2) The filing fee shall be payable by check, certified check or money order which shall be made payable to the "Department of Transportation."

(3) Information regarding filing fees may be obtained from the appropriate docket clerk at the addresses provided in § 491.4(d) (relating to institution of proceedings).

(b) *Suspension or revocation of operating privilege.* A written request for a hearing to determine credit toward serving a period of suspension or revocation of a driver's operating privilege shall be accompanied by the required filing fee.

(c) *Fee not received with filing.* If a written request for a hearing is received without the required filing fee, the docket clerk will immediately provide the requesting party with written notice that the fee shall be forwarded to and received by the docket clerk within 20 days of the mailing date of the notice.

(d) *Request not docketed for failure to remit filing fee.* If the Department does not receive the required filing fee

within 20 days after the mailing date of the notice to the requesting party, the docket clerk may refuse to allow the matter to be docketed, may determine the matter to be closed and may return the written request to the requesting party.

(e) *Supersession.* This section supersedes 1 Pa. Code § 33.21 (relating to filing fees).

§ 491.6. Notice and conduct of hearing.

(a) *Written notification to parties.* Upon docketing a written request for a hearing, the docket clerk will provide written notification to all parties of the request for a hearing and of referral of the matter to the Department hearing officer for scheduling.

(b) *Scheduling.* The Department hearing officer will schedule a hearing for the docketed request and will direct the docket clerk to issue written notice of the time and place of the scheduled hearing to all parties.

(c) *Authority of Department hearing officer.* The Department hearing officer will have the authority to decide all motions, petitions, requests for supersedeas, discovery requests or other matters presented by the parties to this action and to proceed in accordance with 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers).

(d) *Intervention.*

(1) *Petition to intervene.* A person who seeks to intervene as a party in a proceeding shall file a petition for leave to intervene with the Docket Clerk. The petition shall contain a concise statement of the interest of the moving party and the grounds for intervention.

(2) *Refusal.*

(i) *Delay.* The Department may refuse a petition for intervention if the moving party has unduly delayed in applying for intervention or the intervention will unduly delay or prejudice the hearing or the adjudication of the rights of the parties.

(ii) *Supplementation.* This subsection supplements 1 Pa. Code §§ 35.27—35.36.

(e) *Continuances.*

(1) The Department hearing officer will consider a request for continuance if the docket clerk is notified in writing of the grounds at least 10 days prior to the date of the hearing. Continuances will be granted only for substantial or compelling reasons, at the discretion of the Department hearing officer.

(2) The Department hearing officer will consider a request for continuance made less than 10 days prior to the date of the hearing only if the Department hearing officer is satisfied that circumstances relating to the requested continuance occurred within 10 calendar days of the hearing date.

(3) The requesting party shall seek the agreement of the other parties to the proceeding prior to requesting the continuance. The position of the opposing parties shall specifically be noted in the continuance request. The hearing officer may refuse a request for continuance regardless of the concurrence of all parties.

(f) *Depositions.* The testimony of a witness may be taken by deposition only upon application by a party in a proceeding before the Department. The granting of an application for depositions shall be entirely discretionary with the Department hearing officer and will only be permitted for substantial and compelling reasons.

(g) *Request for a stay or supersedeas.*

(1) *Conditions for grant.* The Department hearing officer, upon written motion of a party, may grant a request for a stay or supersedeas, provided the requesting party can demonstrate to the satisfaction of the Department hearing officer:

(i) A likelihood of success on the merits of the matter before the Department hearing officer.

(ii) Immediate and irreparable harm will result from the failure to grant the stay or supersedeas.

(iii) Issuance of the stay or supersedeas will not substantially harm other parties to the proceedings.

(iv) No other remedy is available.

(v) The moving party has given reasonable notice of the request to all parties.

(2) *Requirement to provide security.* The hearing officer, at his discretion, may require a non-Commonwealth party submitting a request for a stay or supersedeas to provide a bond or other appropriate security, as determined by the Department hearing officer, for the satisfaction of the order if it is affirmed or if for any reason the appeal is dismissed, or for the satisfaction of any modification of the order and in either case costs, interest and damages for delay that may finally be awarded.

(3) *Memorandum in opposition.* Any party to a proceeding may file with the Office of the Docket Clerk a memorandum in opposition to a request for a stay or supersedeas within 10 days of the filing of the request.

(h) *Dispositive motions.*

(1) *Dismissal.* The Department hearing officer, on motion of a party, may dismiss the action in whole or in part:

(i) Whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense.

(ii) For failure to preserve the right to an appeal by a timely filing.

(iii) For mootness.

(iv) For any other reason appearing in the record.

(2) *Supersession.* This rule supersedes 1 Pa. Code § 35.180 (relating to action on motions).

(i) *Appeal to the Secretary of a hearing officer's order.* Unless otherwise provided by this chapter, any appeal from an order rendered by the hearing officer shall be filed with the appropriate docket clerk within 30 days of the date the order is entered.

(j) *Supplementation.* This section supplements 1 Pa. Code § 35.123 (relating to the conduct of hearings).

§ 491.7. Filing requirements.

(a) *Number of copies.* The original and two conformed copies of briefs, pleadings or other documents relating to the case, subsequent to the written request for a hearing, together with a certificate of service showing service to all other parties, as required in § 491.8 (relating to service), shall be filed with the docket clerk who will date stamp them upon receipt and provide copies to the Department hearing officer.

(b) *Telefacsimile and electronic transmission not accepted.* A request for a hearing, subsequent correspondence, briefs, pleadings or other documents relating to the case will not be accepted for filing if received electronically or by telefacsimile.

(c) *Supersession.* This section supersedes 1 Pa. Code § 33.15 (relating to number of copies).

§ 491.8. Service.

One copy of all documents and pleadings filed subsequent to the written request for a hearing, together with a certificate of service showing service to all other parties, shall be served by parties in the proceeding. Service shall be accomplished in accordance with 1 Pa. Code §§ 33.31—33.36.

§ 491.9. Order to show cause.

(a) *Initial request.* When the Department files a written request for an order to show cause, that request shall be accompanied by a copy of the proposed order to show cause for the signature of the Department hearing officer.

(b) *Notification to respondent.* Upon the issuance of an order to show cause by the Department hearing officer, the docket clerk will forward a copy of the order to the respondent, directing the respondent to show cause why the subject action should not be taken by the Department.

(c) *Content of request for an order to show cause.* The request for an order to show cause shall set forth the grounds for the action to be taken and shall state the particulars concerning all matters relevant for framing the issues for consideration.

(d) *Answer.* The order to show cause shall include a notice to the respondent to answer, in writing, within 30 days of the date the notice was mailed. A respondent who fails to file an answer within 30 days of the mailing date of the notice shall be deemed to have waived objection to the Department's proposed action.

(e) *Notification to parties.* Upon timely filing of an answer to an order to show cause, the docket clerk will notify all parties of referral of the matter to the Department hearing officer for the scheduling of a hearing.

(1) Timely filing of an answer to the order to show cause will not operate as an automatic stay or supersedeas of action taken by the Department prior or subsequent to the receipt of the order to show cause.

(2) Persons initiating a formal request for stay or supersedeas shall direct their applications to the Department hearing officer.

(f) *Scheduling of hearing.* The Department hearing officer will schedule a hearing and will direct the docket clerk to issue notice to all parties of the time and place of the hearing.

(g) *Department hearing officer.* The Department hearing officer will preside at the hearing or scheduled prehearing conference and will rule on questions regarding the admissibility of evidence or other matters relating to the conduct of the hearing.

(h) *Waiver.* Upon the failure of the respondent to file a timely answer to the order to show cause, the Department hearing officer may direct the docket clerk to send to all parties a notice that objections to the order to show cause are deemed irrevocably waived and the proposed action of the Department is deemed approved.

(i) *Supplementation.* This section supplements 1 Pa. Code § 35.14 (relating to orders to show cause).

§ 491.10. Hearings.

(a) *Recording.* Upon the scheduling of a hearing, the docket clerk will arrange for a stenographer to record the testimony presented at the hearing.

(b) *Presentation of evidence.* The party with the burden of proof in a proceeding will proceed first with the presentation of evidence at a hearing.

(1) In matters involving the suspension or revocation of an existing permit, license or privilege by the Department, or the debarment of a contractor, the Department will proceed first with the presentation of evidence at the hearing.

(2) In matters involving the denial of an application for a permit, license, certificate, prequalification, privilege, credit toward suspension or other requested action by the Department, the permit or license applicant shall proceed first with the presentation of evidence at the hearing.

(3) In matters initiated by an intervenor challenging the Department's actions, the intervenor shall proceed first with the presentation of evidence at the hearing.

(c) *Authority of Department hearing officer.* The Department hearing officer will preside at the hearing or scheduled prehearing conference and rule on questions regarding the admissibility of evidence or other matters relating to the conduct of the hearing.

(d) *Findings of fact and conclusions of law.* At the close of the hearing, the parties or other participants may, at the discretion of the Department hearing officer, be required or given an opportunity to file recommended findings of fact and conclusions of law, together with a brief or memorandum discussing the applicable law and relevant facts of record.

(e) *Filing of hearing transcript.* Upon the filing of the transcript of the hearing, the docket clerk shall mail notice of the date the transcript was filed to the parties.

(f) *Supplementation.* This section supplements 1 Pa. Code §§ 35.123 and 35.125 (relating to the conduct of hearings; and the order of procedure).

§ 491.11. Proposed report.

(a) *General.* Following the hearing and the timely submission of any posthearing filings, the Department hearing officer will prepare and file a proposed report with the docket clerk.

(b) *Contents.* The proposed report shall contain:

(1) Findings of fact.

(2) A discussion of the applicable law and relevant evidence of record.

(3) Conclusions of law.

(4) An order.

(c) *Notification.* The docket clerk will forward copies of the proposed report to all parties of record.

(d) *Supplementation.* This section supplements 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports generally).

§ 491.12. Exceptions.

(a) *Filing.* A party desiring to appeal to the Secretary may file exceptions to the proposed report within 30 days after the mailing date of the proposed report by the docket clerk.

(b) *Reply.* A party may file a reply to the exceptions filed by another party within 20 days of the filing date of exceptions filed by another party.

(c) *Record.* When timely exceptions are filed, the docket clerk will forward the following to the Secretary:

(1) The proposed report.

- (2) The exceptions filed and replies thereto.
- (3) The record in the case.
- (4) A proposed order to grant or deny the exceptions, that is prepared for the Secretary's signature.
- (d) *Waiver.* If no party files exceptions to the proposed report within the time prescribed in subsection (a), those persons shall be deemed to have irrevocably waived objections to the proposed report, and the proposed report will be deemed approved by the Secretary.
- (e) *Supplementation.* This section supplements 1 Pa. Code §§ 35.211—35.214 (relating to exceptions to proposed reports).

§ 491.13. Transmittal of certified record upon appeal.

If a final order of the Secretary is appealed to Commonwealth Court under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies), the docket clerk will prepare and forward the certified record to the clerk of Commonwealth Court.

[Pa.B. Doc. No. 01-1381. Filed for public inspection July 27, 2001, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 17, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-17-01	Citizens Financial Group, Inc., Providence, Rhode Island, to acquire 100% of the voting shares of Citizens Bank of Pennsylvania (In Formation), Philadelphia, PA	Providence, RI	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County <i>Correspondent:</i> Gregory J. Lyons Goodwin Procter, LLP 53 State Street Boston, MA 02109	Philadelphia	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-01	Citizens Bank of Pennsylvania (In Formation) Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of 322 Branch Offices of Mellon Bank, N.A., Pittsburgh, located in Pennsylvania (316), New Jersey (4) and Maryland (2).	Philadelphia	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-5-01	Peoples State Bank of Wyalusing Wyalusing Bradford County	202 S. Turnpike St. Dushore Sullivan County	Opened
7-11-01	Mifflinburg Bank and Trust Company Mifflinburg Union County	RiverWoods 1 River Road Lewisburg Union County (Limited Service Facility)	Approved
7-11-01	Leesport Bank Leesport Berks County	One West Broad St. Hazleton Luzerne County (Drive-Up Facility)	Approved

NOTICES

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-01	First Heritage Bank Wilkes-Barre Luzerne County	685 Wyoming Avenue Kingston Luzerne County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-11-01	The Madison Bank Blue Bell Montgomery County	<i>To:</i> Plymouth Corporate Center, Bldg. F 625 Ridge Pike Conshohocken Montgomery County <i>From:</i> 202 West Ridge Pike Conshohocken Montgomery County	Approved
7-13-01	Keystone Savings Bank Bethlehem Northampton County	<i>To:</i> 3091 William Penn Highway Palmer Township Northampton County <i>From:</i> 3745 Nicholas Street Palmer Township Northampton County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-29-01	Main Street Bank Reading Berks County	1430 Jacobsburg Rd. Wind Gap Northampton County	Effective
7-12-01	Main Street Bank Reading Berks County	100 Progress Drive Doylestown Bucks County	Filed
7-12-01	Main Street Bank Reading Berks County	39 Bridge Street Lambertville Hunterdon County New Jersey	Filed
7-13-01	AmeriServ Financial Bank Johnstown Cambria County	Main Street Coalport Clearfield County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-13-01	Mifflinburg Bank and Trust Company Mifflinburg Union County	Amendment to Article II provides for a change in the principal place of business <i>to:</i> 250 East Chestnut Street; <i>from:</i> 343 Chestnut Street, both addresses in Mifflinburg, Union County, PA.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-1382. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments before taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA-0062481 (Sewage)	Rico Carisch 20 Canal Road Easton, PA 18042	Northampton Williams Township	Delaware River (2F)	Yes

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0209074 Sewage Non-Public	Hidden Valley Mobile Home Park Box 133 Linden, PA 17744	Lycoming County Woodward Township	Unnamed tributary to Quenshukeny Run (SWP 10A)	Y
PA0113069 Sewage Public	Greenwood Township Municipal Authority 90 Shed Road Millville, PA 17846	Columbia County Greenwood Township	Rickard Hollow 5C	Y
PA0010430 Industrial Waste	Hanover Foods Corporation P. O. Box 193 Centre Hall, PA 16828	Centre County Potter Township	Sinking Creek 6A	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0030317, Sewage. **Clarion-Limestone Area School District**, Clarion Limestone High School, R. R. 1, Box 205, Strattanville, PA 16258-9720.

This proposed facility is located in Clarion Township, **Clarion County**.

Description of Proposed Activity: renewal of an existing discharge.

The receiving stream, unnamed tributary to Little Piney Creek, is in watershed 17B and classified for Cold Water Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.03 MGD.

Interim

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	XX		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

Final

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	5 15		10 30
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PA0027294, Sewage, **Bristol Borough Water and Sewer Authority**, 250 Pond Street, Bristol, PA 19007.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bristol Borough WWTP in Bristol Borough, **Bucks County**. This is an existing discharge to Otter Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 2.7 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	19		29	38
BOD ₅ Percent Removal	88.5			
Total Suspended Solids	30		45	60
Total Suspended Solids Percent Removal	85			
CBOD ₂₀ (Lbs/Day)	640			
Ammonia (as N)	35			70
Total Residual Chlorine	0.5			1.6
Fecal Coliform		200 colonies/100 ml as a geometric average		
pH		Within limits of 6.0—9.0 Standard Units at all times		
Copper, Total		Monitor/Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Lead, Total		Monitor/Report		
Selenium, Total		Monitor/Report		
Silver, Total		Monitor/Report		
Thallium, Total		Monitor/Report		
Iron, Dissolved		Monitor/Report		
Bis (2-Ethylhexyl) Phthalate		Monitor/Report		

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA 0060259, Sewage, **Tyler Hill Camp**, 85 Crescent Beach Road, Glen Cove, NY 11542.

This proposed facility is located in Damascus Township, **Wayne County**.

Description of Proposed Activity: Renewal of an existing NPDES Permit.

The receiving stream, Laurel Lake, is in the State Water Plan watershed #1A and is classified for high quality, cold water fisheries, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg is located on Delaware River is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.036 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0		20.0
Total Suspended Solids	30.0		60.0
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine		Monitor Only	

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0216003, Industrial Waste, SIC, 3315, **Precision Kidd Steel Co., Inc.**, One Quality Way, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge untreated cooling water, process water and stormwater from its facility in the City of Aliquippa, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located at Georgetown, 15.71 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.052 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.04 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)				110	
Oil and Grease					Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 0.092 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This outfall receives wastewater from Internal Monitoring Points 101 and 201 and stormwater runoff from plant roof and raw material storage area. Applicable effluent limits are imposed and monitored at internal monitoring points.

The EPA waiver is in effect.

PA0044431, Sewage, **Fairfield Manor, Inc.**, 4158 Old William Penn Highway, Murrys ville, PA 15668.

This application is for renewal of an NPDES permit to discharge treated sewage from Fairfield Manor STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Hendricks Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.2			.5
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0046230, Sewage, **Carmichaels-Cumberland Joint Sewer Authority**, P. O. Box 304, 103 Municipal Road, Carmichaels, PA 15320-0304.

This application is for renewal of an NPDES permit to discharge treated sewage from Carmichaels-Cumberland Joint Sewer Authority Sewage Treatment Plant in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Muddy Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Brownsville Water Company on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	20	30		40
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.3		7.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.07
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0110469-A1, Sewage, **Borough of Patton**, P. O. Box 175, Patton, PA 16668.

This application is for amendment of an NPDES permit to discharge treated sewage from the Patton Borough Wastewater Treatment Plant in the Borough of Patton, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chest Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Clearfield Municipal Authority.

Outfall 001: existing discharge, new design flow of .540 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	12	18		24
(11-1 to 4-30)	Monitor and Report			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0238635, Sewage. **Frank A. Jr. and Melissa A. Blaine**, 304 Eagle Mill Road, Butler, PA 16001.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Activity: discharge of treated sewage.

The receiving stream, Little Connoquenessing Creek, is in watershed 20-C and classified for: cold water fishes, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Harmony Water Authority intake and Little Connoquenessing Creek located at Harmony, approximately 11.5 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow			
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	XX		
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0027367, Sewage. **Greenville Borough Sanitary Authority WWTP**, 183 Hamburg Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Activity: an existing discharge of treated sewage.

The receiving stream, Shenango River, is in watershed 20-C and classified for: WWF, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Reynolds Water Company intake and the Shenango River located in Pymatuning Township, Mercer County, approximately 2 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.8 MGD.

Parameter	Loadings (lb/day)		Concentrations (mg/l)		
	Monthly Average	Weekly Average	Average Monthly	Average Weekly	Instantaneous Maximum
Flow (MGD)	XX				
CBOD ₅					
(5-1 to 10-31)	467	700	20	30	40
(11-1 to 4-30)	583	934	25	40	50

Parameter	Loadings (lb/day)		Concentrations (mg/l)		
	Monthly Average	Weekly Average	Average Monthly	Average Weekly	Instantaneous Maximum
TSS	700	1050	30	45	60
Phosphorus (as P)	23		1		2
Ammonia Nitrogen					
(5-1 to 10-31)	175		7.5		15
(11-1 to 4-30)	525		22.5		45
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			29,500/100 ml as a geometric average		
Total Residual Chlorine			0.45		1.5
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is not in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1–691.1001).

Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 2801402, Sewerage, **St. Thomas Township Municipal Authority**, 6442 Lincoln Way West, St. Thomas, PA 17252.

This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a sewage treatment plant to serve the Village of Edenville.

WQM Permit No. 6701408, Sewerage, **Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of a sewer extension and pump station to serve the Sprenkle Tract.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1901402, Sewerage, SIC Code 4952, 334 Market Street, Berwick, PA 18603-3792.

This existing facility is located in Berwick Borough, **Columbia County**.

Description of Proposed Action/Activity: Install equipment to improve the liquid treatment and biosolids treatment operations at the existing sewage treatment plant.

Application received on July 12, 2001.

WQM Permit No. 5301201, Industrial Waste, SIC Code 4244, **PA Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823-9620, Oswayo Fish Culture Station, 96 State Route 244 East, Coudersport, PA 16915-9646

This existing facility is located in Oswayo Township, **Potter County**.

Description of Proposed Action/Activity: Wastewater Treatment Facilities Modifications/Upgrade at the Oswayo Fish Culture Station.

Application received on June 26, 2001.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 8903-S-A2, Sewerage, **Borough of Sewickley**, 601 Thorn Street, Sewickley, PA 15143. Application for the replacement and operation of the Maple Lane Pump Station to serve the Maple Lane Area located in Sewickley Borough, **Allegheny County**.

Application No. 0201409, Sewerage, **Bell Acres Borough Municipal Authority**, R. D. #3, Camp Meeting

Road, Sewickley, PA 15143. Application for the construction and operation of the Charleston Square Sewage Pump Station to serve the Charleston Square Plan of Lots located in Bell Acres Borough, **Allegheny County**.

Application No. 0201410. Sewerage, **Charlie Vrabel Jr.**, 13 Dewey Lane, Gibsonia, PA 15044. Application for the construction and operation of a small flow sewage treatment plant to serve the Vrabel Property located in Richland Township, **Allegheny County**.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2501415. Sewerage, **Patrick E. and Tammy L. Dunn**, 12439 Route 6N, Albion, PA 16401.

This proposed facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No. 6201408. Sewerage, **Randall H. English**, R. R. #1, Box 1355, Russell, PA 16345.

This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No. 4301417. Sewerage, **Kenneth L. Miller**, 7266 West Market Street, Mercer, PA 16137.

This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed

permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit PAS10 G474. Stormwater. **Links At Knob Hill Farm**, 3333 Lincoln Highway, P. O. Box 278, Paradise, PA 17562, has applied to discharge stormwater associated with a construction activity located in Honey Brook Township, **Chester County** to West Branch Brandywine Creek (HQ-TSF-MF).

NPDES Permit PAS10 G475. Stormwater. **Mt. Idy Mobil Home Park/MISA Corporation**, 1007 Appleville Road, West Chester, PA 19380, has applied to discharge stormwater associated with a construction activity located in East Brandywine Township, **Chester County** to East Branch Brandywine Creek (HQ-TSF-MF, WWF).

NPDES Permit PAS10 G476. Stormwater. **Hillbrook Farms, LP**, P. O. Box 251, Morgantown, PA 19543, has applied to discharge stormwater associated with a construction activity located in Honey Brook Township, **Chester County** to unnamed tributary of Pequea Creek (HQ).

SAFE DRINKING WATER

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1–721.17).

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. Minor Amendment.

Applicant	Royal Oaks Mobile Home Park
Township or Borough	Moore Township
Responsible Official	Donald and Scott Williamson 3545 Apricot Drive Walnutport, PA 18088
Type of Facility	Public Water Supply
Application Received Date	June 15, 2001
Description of Action	Transfer Application

Application No. Minor Amendment.

Applicant	Pennsylvania American Water Co.
Township or Borough	Sugar Notch Township

Responsible Official Steven J. Seidle, P.E.
Vice President Engineering
Pennsylvania American
Water Co.
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Bruce Juergens, P.E.
Pennsylvania American
Water Co.
800 West Hersheypark Drive
Hershey, PA 17033

Application Received Date June 29, 2001

Description of Action Repair/Rehabilitation of existing
1.0 million gallon storage tank
(Sugar Notch Tank)

Application No. 350726, Minor Amendment.

Applicant **PA American Water Company**

Township or Borough Borough of Swoyersville
Luzerne County

Responsible Official Anthony Gangemi
Operations Superintendent
PA American Water Company
2699 Stafford Avenue
Scranton, PA 18505
(570) 969-7846

Type of Facility Community Water System

Consulting Engineer Andrew F. Carter, EIT
PA American Water Company
800 West Hershey Park Drive
Hershey, PA 17033
(717) 531-3382

Application Received Date July 9, 2001

Description of Action Repaint the 58,000-gallon
Warsaw Street finished water
storage tank located in
Swoyersville, PA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Application No. 4146426-103, Minor Amendment.

Applicant **H2O to Go**

Town Town of Bloomsburg, **Columbia County**

Responsible Official William F. Brightman, President
H2O to Go
49 Village Square Drive
Marietta, PA 17547

Type of Facility Vended Water Machine

Application Received Date July 16, 2001

Description of Action Increase storage at vended wa-
ter machine at Weis Market in
Bloomsburg

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Envi- ronmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

First United Methodist Church of Germantown, City of Philadelphia, **Philadelphia County.** Robert Goldman, Lexicon Environmental Assoc., Inc., 790 E. Market St., Suite 270, West Chester, PA 19382-4806, on behalf of First United Methodist Church of Germantown, 6023 Germantown Ave., Philadelphia, PA 19144, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Germantown Courier* on June 20, 2001.

Northeast Region: Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

Harris Corporation, Wright Township, **Luzerne County.** Joseph F. Pearson, Project Manager, Ecology & Environment, Inc., 1119 Canterbury Drive, Lansdale, PA 19446, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to have been contaminated with petroleum compounds, solvents and fluoride. The applicant proposes to remediate the site to meet both the Statewide health and the site-specific standard. A Summary of the Notice of Intent to Remediate was reportedly published in Wilkes-Barre's *The Times Leader* on July 3, 2001.

Southcentral Region: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

Washington Square II, Parcel 2, City of Harrisburg, **Dauphin County.** EPSYS Corporation, 1414 North Cameron Street, Suite 1, Harrisburg, PA 17103 (on behalf of Harristown Development Corporation, P. O. Box 1224, Harrisburg, PA 17108) has submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on June 22, 2001.

Rite Aid Middletown (formerly Ken Hess Chevrolet), Middletown Borough, **Dauphin County.** BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 (on behalf of Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011) has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Middletown Press and Journal* on May 23, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (DEP) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time,

affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

40-320-013A: Barletta Materials and Construction, Inc. (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) for modification of a batch asphalt plant at the Harwood Plant along Route 924 in Hazle Township, **Luzerne County.**

40-320-015: Great Northern Press of Wilkes-Barre (173 Gilligan Street, Wilkes-Barre, PA 18702) for installation of an air cleaning device (regenerative thermal oxidizer) in Hanover Township, **Luzerne County.**

48-399-046: United Panel (P. O. Box 188, Mount Bethel, PA 18343) for construction of a reinforced fiberglass granule line and associated air cleaning devices in Upper Mount Bethel Township, **Northampton County.**

48-399-047: United Panel (P. O. Box 188, Mount Bethel, PA 18343) for construction of a reinforced fiber-

glass stenni line and associated air cleaning devices in Upper Mount Bethel Township, **Northampton County**.

48-399-048: United Panel (P. O. Box 188, Mount Bethel, PA 18343) for construction of a reinforced fiberglass board finishing operation and associated air cleaning devices in Upper Mount Bethel Township, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03091: The Rose Corp. (P. O. Box 15208, Reading, PA 19612-5208) for construction of a spray paint booth and a grit blast room. The spray booth is controlled by dry filters and the grit blast room is controlled by a fabric collector in the City of Reading, **Berks County**.

67-03107: Hoover Manufacturing Co., Inc. (P. O. Box 146, Glen Rock, PA 17327) for construction of three spray paint booths each controlled by a dry filter at its woodworking facility in Springfield Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

49-317-003: Butter Krust Baking Co., Inc. (249 North Eleventh Street, Sunbury, PA 17801) for construction of a bakery oven and associated air cleaning device (a catalytic oxidizer) in Northumberland Borough, **Northumberland County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

65-00354A: Atlantic Refining and Marketing (1801 Market Street—25/10 PC, Philadelphia, PA 19103) for construction of a Vapor Combustion Unit at Delmont Terminal in Salem Township, **Westmoreland County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0029C: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) for installation of a new flexographic printing press in Downingtown, **Chester County**. This installation will result in a volatile organic compound (VOC) net emission increase of 3.2 tons per year from the facility. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0213: Cremation Society of Pennsylvania (4100 Jonestown Road, Harrisburg, PA 17109) for installation of one 200-pound per hour, natural gas fired crematorium for human remains at their facility along 371 East Church Road in Upper Merion Township, **Montgomery County**. This installation will result in maximum NOx emissions of 2.6 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-00036: Visteon Systems, L.L.C. (2750 Morris Road, Lansdale, PA 19446) amended to include the requirements of Plan Approval 46-0036B for installation of Selective Soldering Machine No. 7 in Worcester Township, **Montgomery County**. This company is a Title V facility. This source will result in an emission increase of 0.0035 ton of Lead (Particulate Matter) and 2.37 tons of Volatile Organic Compounds (VOCs) per 12-month rolling sum. The Selective Soldering Machine No. 7 shall only be used for soldering electronic circuit boards. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0037G: Cabot Performance Materials (P. O. Box 1608, County Line Road, Boyertown, PA 19512-1608) for replacement of an existing boiler in Douglass Township, **Montgomery County**. This company is a Title V facility. This replacement will result in emissions decrease by using cleaner burning fuel. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

46-0037E: Cabot Performance Materials (P. O. Box 1608, County Line Road, Boyertown, PA 19512-1608) for construction/modification of its processes in Buildings 49 and 32 in Douglass Township, **Montgomery County**. This company is a Title V facility. This construction/modification will result in hydrogen fluoride (HF) and particulate matter (PM) emissions increase of less than 1 ton of each pollutant per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

40-313-045: Mountaintop Manufacturing (1050 Crestwood Drive, Mountaintop, PA 18707-0099) for installation of a Plastics Milling Line in Wright Township, **Luzerne County**. This facility is a supply and recreation Title V facility. Expected particulate emissions from the milling line will be controlled by two baghouses in series. Expected particulate emissions will be less than 0.02 grains/dscf from each baghouse. The company will monitor the pressure drop across the baghouses and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-10690: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of two lead oxide mills each controlled by a cyclone, fabric collector and HEPA filter in Richmond Township, **Berks County**. The mills will have the potential to emit 0.1 ton per year of lead. The sources are subject to 40 CFR Part 60, Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants. The plan approval will be incorporated into the Title V operating permit in accord-

ance with 25 Pa. Code § 127.450 (Administrative Amendment). The plan approval will include monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

06-3040A: Quality Investment Castings, Inc. (P. O. Box 100, Blandon, PA 19510-0100) for construction of a burn-off/preheat oven controlled by a thermal oxidizer in Maidencreek Township, **Berks County**. The new source will have the potential to emit 0.6 ton of particulate and 1.4 tons of nitrogen oxides per year. The plan approval will include monitoring, testing, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

38-05016B: Quaker Alloy, Inc. (200 East Richland Avenue, Myerstown, PA 17067) for modification of an existing sand reclamation system located in Myerstown Borough, **Lebanon County**. No emission increases are expected from this modification. The plan approval will include monitoring, testing, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

38-03034: Heart of My Heart Final Pet Arrangements (49 Pleasant Road, Grantville, PA 17028) for construction of an animal crematorium in East Hanover Township, **Lebanon County**. The crematorium will have the potential to emit particulate matter at about 0.9 ton per year. The plan approval will include monitoring, testing, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

67-05093: Codorus Stone and Supply Company, Inc. (135 Mundis Race Road, York, PA 17402) for construction of a batch asphalt plant controlled by a fabric collector and two 30,000 gallon liquid asphalt cement storage tanks in Manchester Township, **York County**. The batch asphalt plant is a supply and recreation Title V facility. The asphalt plant will have the potential to emit 97 tons of CO, 30 tons of NO_x, 22 tons of SO₂, 7 tons of PM-10 and 2 tons of VOC. The batch asphalt plant will be subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The storage tanks will be subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels. Facility emission restrictions for criteria pollutants and HAPs have been included and a performance test for particulate matter emissions will be required. The plan approval will include emission, monitoring, record keeping and reporting requirements, as well as work practice standards, designed to keep the source operating within applicable requirements.

PLAN APPROVAL

PUBLIC HEARINGS

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Thomas A. DiLazaro, Program Manager; (570) 826-2531.

48-328-005A: Reliant Energy Portland, LLC (River Road, P. O. Box 38, Portland, PA 18351) to take testimony concerning the air quality plan approval for construction of two combined-cycle combustion turbines with duct burners and a cooling tower in Upper Mount Bethel Township, **Northampton County**. All maximum potential emissions, emission consumptions of the available Prevention of Significant Deterioration air quality increments and the conditions placed in the Plan Approval to

show compliance with the applicable standards are contained in the draft plan approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on August 29, 2001, at 7 p.m. at the Nazareth High School, East Center Street, Nazareth, PA. Persons interested in commenting are invited to appear at the public hearing.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Thomas A. DiLazaro at the address previously listed. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 10 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through September 29, 2001.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

54-399-028: Greater Pottsville Area Sewer Authority (401 North Centre Street, P. O. Box 1163, Pottsville, PA 17901) for operation of an aerobic reactor and associated air cleaning devices in Port Carbon Borough, **Schuylkill County**.

35-328-001: PEI Power Corp. (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) for operation of a simple cycle gas turbine and associated air cleaning device in Archbald Borough, **Lackawanna County**.

40-301-079: Wilkes-Barre General Hospital (575 River Street, Wilkes-Barre, PA 18764) for operation of a medical waste incinerator and associated air cleaning devices in Wilkes-Barre, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03042: Fairmount Foundry, Inc. (Front and Pine Streets, Hamburg, PA 19526) for operation of a gray iron foundry in the Borough of Hamburg, **Berks County**. This gray iron foundry is a supply and recreation Title V facility. This construction will have the potential to emit 68 tons of particulate, 53 tons of sulfur oxides and 50 tons of carbon monoxide per year. The facility will be con-

trolled by a scrubber and various fabric collectors. The permit will also contain additional emission, monitoring, record keeping and reporting requirements, as well as work practice standards, designed to keep the facility operating within applicable requirements.

28-05020: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) for operation of its Chambersburg Plant in Chambersburg Borough, **Franklin County**. This iron foundry is a Synthetic Minor facility. The annual emissions of PM-10 and VOC are about 45 tons and 20 tons, respectively. Facility emission restrictions for criteria pollutants and HAPs have been included in order for the facility to maintain its Synthetic Minor status. The permit will also contain additional emission, monitoring, record keeping and reporting requirements, as well as work practice standards, designed to keep the facility operating within applicable requirements.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or

agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54830702R3. Swatara Coal Company (P. O. Box 246, Tremont, PA 17981), renewal of an existing coal refuse reprocessing and coal refuse disposal operation in Reilly Township, **Schuylkill County**, affecting 180.4 acres, receiving streams: Swatara Creek and Polly's Creek. Application received: July 6, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17010108. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 76 acres. Receiving stream—Orr's Run. Application received: July 10, 2001.

17960108. Cougar Contracting, Inc. (P. O. Box 217, Houtzdale, PA 16651), renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 13.7 acres. Receiving stream—unnamed tributary of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received: June 25, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

65910103. Calvin W. Hepler (R. D. 1, Box 224, Smithton, PA 15479). Renewal application received for continued operation and reclamation of a bituminous surface/auger-mining site located in South Huntingdon Township, **Westmoreland County**, affecting 42.4 acres. Receiving streams: unnamed tributaries to Barren Run. Application received: July 10, 2001.

65960103. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Application received for renewal of permit for continued operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 162.1 acres. Receiving streams: unnamed tributary to Miller Run, Miller Run to Loyalhanna Creek, Loyalhanna Creek to Conemaugh River. Application received: July 13, 2001.

63910102. Twilight Industries (Division of U. S. Natural Resources, 212 State Street, Belle Vernon, PA 15012). Application received for renewal of permit for continued reclamation only of a bituminous surface mine located in Fallowfield Township, **Washington County**, affecting 150.0 acres. Receiving streams: unnamed tributaries to and including Pigeon Creek. Application received: July 16, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

32010105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of bituminous surface and auger mine in Center & Blacklick Townships, **Indiana County**, affecting 135.9 acres, receiving stream unnamed tributaries to Aultmans Run, Aultmans Run, Conemaugh River. Application received: June 12, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

56841321. Miller Springs Remediation Management, Inc., (2480 Fortune Drive, Suite 300, Lexington, KY 40509), to renew the permit for the Bird Mine No. 2/No. 3 in Stoneycreek and Conemaugh Townships, **Somerset County** to renew the permit, no additional discharges. Application received: June 4, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

10010107. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Washington Township, **Butler County** affecting 20.5 acres. Receiving streams: One unnamed tributary to Christy Run and two unnamed tributaries to South Branch Slippery Rock Creek. Application received: July 10, 2001.

Noncoal Applications Received

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

08010813. Richard and Nancy Bennett (R. D. 1, Box 172, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Minerals (Shale-Bluestone-Graystone) permit in Tuscarora Township, **Bradford County** affecting 3 acres. Receiving stream—unnamed tributary, tributary to Wyalusing Creek. Application received: June 25, 2001.

08010812. Richard and Nancy Bennett (R. D. 1, Box 172, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Minerals (Shale-Bluestone-Graystone) permit in Tuscarora Township, **Bradford County** affecting 3 acres. Receiving stream—unnamed tributary, tributary to Wyalusing Creek. Application received: June 25, 2001.

08010814. LaVern Johnson (R. R. 4, Box 4023, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Wyalusing Township, **Bradford County** affecting 1 acre. Receiving stream—unnamed tributary, tributary to Susquehanna River. Application received: June 25, 2001.

53010804. Roger Long (242 West Branch Road, Galeton, PA 16922), commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in West Branch Township, **Potter County** affecting 3 acres. Receiving stream—Osgood Hollow, tributary to Pine Creek. Application received: June 27, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

05960302. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0234214, Snake Spring Township, **Bedford County**, receiving stream Cove Creek, NPDES Renewal application received: June 11, 2001.

07910301. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599221, Frankstown Township, **Blair County**, receiving stream unnamed tributary to the Frankstown Branch of the Juniata River, NPDES Renewal application received: June 11, 2001.

Noncoal Applications Returned

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

08000809. Kevin Nitzcnski (R. D. 1, Box 238, New Albany, PA 18833), commencement, operation and restoration of a Small Industrial Minerals (Gravel) permit located in Albany Township, **Bradford County** affecting 1 acre. Receiving stream—unnamed tributary to Towanda Creek. Application received: October 12, 2000. Application returned: July 10, 2001.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-893. Blue Bell Associates, 650 Sentry Parkway, Suite One, Blue Bell, PA 19422, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain approximately 120 linear feet of 13-foot by 8-foot reinforced concrete box stream enclosure along an unnamed tributary to Plymouth Creek (WWF) associated with the construction of Peter Lane at the proposed Plymouth Meeting Commons Residential Development. This project also includes the installation and maintenance of two outfall structures and an 8-inch sanitary sewer pipe stream crossing. The site is located approximately 2,000 feet north of the intersection of South Graver Road and Chemical Road, (Norristown, PA USGS Quadrangle N: 19.6 inches; W: 5.9 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-224. Conewago Enterprises, Inc., 660 Edgegrove Road, Hanover, PA 17331 in Mount Pleasant Township, **Adams County**, ACOE Baltimore District.

To (1) construct and maintain a new bridge with a span of 18 feet and an underclearance of 2.46 feet (2) replace an existing pipe culvert with a bridge with a span of 17 feet and an underclearance of 5.17 feet; and, (3) replace an existing retaining wall and road which is located under a railroad bridge along and across Brush Run (WWF) (McSherrystown, PA Quadrangle N: 20.8 inches; W: 14.5 inches).

E01-225. Todd Williams, Cumberland Township Authority, 1370 Fairfield Rd., Gettysburg, PA 17325 in Cumberland Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a sewer plant expansion project consisting of several process structures, a parking lot and access roads in the floodplain along Willoughby Run (WWF) (Fairfield, PA Quadrangle N: 13.1 inches; W: 1.3 inches).

E21-324. Guy Miller, 13244 Old Mill Road, Waynesboro, PA 17268 in Southampton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a low-profile steel box culvert having a span of 11.75 feet and a rise of 4.33 feet in Mains Run (CWF) for the purpose of replacing a ford crossing to access private property located on the west side of Means Hollow Road (T-300) about 1 mile southeast of its intersection with McCulloch Road (Walnut Bottom, PA Quadrangle N: 1.1 inches; W: 17.0 inches).

E21-328. James Collins, Mt. Holly Springs Borough, 200 Harmon St., Mt. Holly Springs, PA 17065 in Mt. Holly Springs Borough, **Cumberland County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a single span pre-stressed concrete adjacent box beam bridge having a clear span of 60.0 feet and an underclearance of about 8.9 feet across Mountain Creek (TSF) located on Pine Street (Mt. Holly Springs, PA Quadrangle N: 20.8 inches; W: 8.8 inches).

E34-101. Marlin Zook, R. D. 1 Box 22, East Waterford, PA 17021 in Lack Township, **Juniata County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a span of 30 feet and an underclearance of 5 feet across the channel of Lick Run (CWF) at a point approximately 1,200 feet upstream of its mouth (Blairs Mill, PA Quadrangle N: 17.62 inches; W: 2.87 inches).

E38-124. Lebanon Valley College, Annville, PA 17003 in Annville Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain (1) about 600 feet of stream channel relocation of an unnamed tributary to Quitapahilla Creek (TSF); (2) a waived of permit requirements, 114-foot long, 10-inch diameter PVC pipe stream enclosure in the unnamed tributary to Quitapahilla Creek (TSF); (3) a 0.6 acre wetland area as mitigation to conducting unpermitted activities involving excavation in the stream channel of the unnamed tributary to Quitapahilla Creek (TSF), excavation and placing fill in 0.25 acre of associated wetlands as part of the development of a supply and recreation jurisdictional stormwater detention pond which controls stormwater runoff from a vehicle parking area associated with an athletic facility located on the Campus of Lebanon Valley College (Palmyra, PA Quadrangle N: 15.5 inches; W: 1.7 inches).

E50-205. Toboyn Township, R. D. 1 Box 168, Blain, PA 17006, Toboyn Township, **Perry County**, ACOE Baltimore District.

To construct and maintain repairs which include underpinning bridge abutment foundations and placing a reinforced concrete jacket along both abutments to a single span steel I-beam bridge having a clear span of 19.5 feet and an underclearance of 3.5 feet across Sherman Creek (HQ-CWF) located on Upper Buck Ridge Road T-301 (Blain, PA Quadrangle N: 8.1 inches; W: 12.9 inches) in Toboyn Township, Perry County.

E67-702. Dillsburg Area Authority, P. O. Box 370, Dillsburg, PA 17019 in Carroll Township, **York County**, ACOE Baltimore District.

To construct and maintain (1) two final clarifiers; (2) two aeration tanks by converting existing aeration/clarifier tanks; (3) the replacement of the existing chlorine disinfection system by building an ultraviolet disinfection system; (4) a raw water pump station; (5) a new outfall pipe all in the channel and floodway/floodplain of Dogwood Run (CWF) located at the existing Dillsburg Area Wastewater Treatment Facility along the north side of Old Mill Road T-885 (Dillsburg PA Quadrangle N: 20.5 inches; W: 5.7 inches).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-376. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Wyalusing Township, **Bradford County**, ACOE Susquehanna River Basin District (Laceyville, PA Quadrangle N: 18.9 inches; W: 15.1 inches).

To a) remove three existing structures, b) construct and maintain a three span precast concrete I-beam bridge having a span of 187 feet and a minimum underclearance of 15.2 feet with a skew of 80° in Wyalusing Creek, a single cell precast reinforced concrete box culvert having a span of 20.0 feet and a minimum underclearance of 6.5 feet with a skew of 76°32' in an overflow channel adjacent to Wyalusing Creek and a single cell precast

reinforced concrete box culvert having a span of 193.0 feet and a minimum underclearance of 6.0 feet with a skew similar to that of the existing structure in Camp Creek, c) temporarily construct and maintain six 5-foot diameter corrugated metal pipes and associated R-3 and R-6 rock fill for a temporary causeway, all of which is located along SR 0706, Segment 026. This project proposes to have a minimal impact on Wyalusing Creek and Camp Creek, which are; each designated a Warm Water Fisheries and does propose to have a minimal impact on approximately 1.35 acres of jurisdictional wetlands.

E08-377. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Wilmont Township, **Bradford County**, ACOE Susquehanna River Basin District (Jenningsville, PA Quadrangle N: 17.8 inches; W: 16.1 inches).

To perform streambed paving in Sugar Run Creek along SR 2006 located at the intersection of SR 0187 south and SR 2006. This project proposes to permanently impact 11.5 linear feet of Sugar Run Creek, which is, designated a Cold Water Fishery, Class 'A' wild trout stream and does not propose to impact any jurisdictional wetlands.

E14-399. John and Erma Bubb, 324 Taylor Hill Road, Centre Hall, PA 16828. Stream Enclosure, in Potter Township, **Centre County**, ACOE Baltimore District (Centre Hall, PA Quadrangle N: 6.45 inches; W: 8.00 inches).

An after-the-fact permit application to extend and maintain a 36-inch diameter corrugated metal pipe driveway stream crossing into an 124-foot long 36-inch diameter corrugated metal pipe stream enclosure of an unnamed tributary of Sinking Creek to further access to the rear of the residential property located 1 mile south on Taylor Hill Road from SR 322. The project proposes to impact 124 linear feet of an unnamed tributary of Sinking Creek that is classified as a Cold Water Fishery.

E14-400. Sterling Run Club, Inc., 216 South Allegheny Street, Bellefonte, PA 16823. New Bridge, in Burnside Township, **Centre County**, ACOE Baltimore District (Karthaus, PA Quadrangle N: 21.5 inches; W: 6.7 inches).

To construct and maintain a wooden bank-to-bank bridge with a 30-foot span, a 5-foot underclearance, a waterway opening of 125 square feet and 30 cubic yards of approach fill to cross Sterling Run located 6,000 feet north of Brooks Run's confluence with Sterling Run. The project proposes to permanently impact 10 feet of Sterling Run that is classified as a High Quality-Cold Water Fishery.

E14-401. Patrick Hawbaker, 235 Shannely Drive, Port Matilda, PA 16870. Culvert Replacement, in Halfmoon Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 7.2 inches; W: 3.3 inches).

To remove an existing 48-inch diameter corrugated metal pipe and to construct and maintain two 48-inch diameter 20-foot long reinforced concrete pipes depressed 6-inches into the streambed to produce an effective waterway opening of 24.22 square feet with 108 linear feet of stone end walls and R-5 riprap outlet/inlet aprons in Halfmoon Creek located 0.5 mile southwest of the intersection of SR 550 and Houtz Road. The project

proposes to permanently impact 50 linear feet of Halfmoon Creek that is classified as a High Quality-Cold Water Fishery.

E18-319. Pa. Dept. of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. Rehabilitation of Timber Truss Covered Bridge with Steel Girders, in Logan Township, **Clinton County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 1.0 inch; W: 1.5 inches).

To add steel girders to and maintain a timber truss covered bridge with a 49-foot 9-inch clear span and an 8.5-foot minimum underclearance across Fishing Creek located 0.4 mile south on T-346 from SR 880. The project proposes to insignificantly impact 30 linear feet of Fishing Creek that is classified as a High Quality-Cold Water Fishery.

E41-484. Weis Markets, Inc., 1000 South Second Street, P. O. Box 471, Sunbury, PA 17801-0471. Weis Markets Grocery Store, in Muncy Creek Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle N: 15.25 inches; W: 1.50 inches).

To place fill into a 0.43 acre isolated palustrine emergent wetland for the purpose of constructing a new grocery store. The applicant proposes to meet the wetland replacement requirement by constructing a 0.9-acre replacement wetland south of the proposed impact area. The project site is located approximately 600 feet southwest from the intersection of SR 405 and SR 442 and 1.5 mile east northeast of the Borough of Muncy.

E49-249. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Lewis Township, **Northumberland County**, ACOE Susquehanna River Basin District (Washingtonville, PA Quadrangle N: 18.94 inches; W: 16.13 inches).

To a) remove existing structure, b) construct and maintain a single span precast reinforced box culvert having a span of 14.0 feet and a minimum underclearance of 4.5 feet with a skew of 90° in a tributary to Beaver Run, c) temporarily construct and maintain three 4-foot diameter corrugated metal pipes and associated rock fill for a temporary road crossing, d) temporarily construct and maintain sand bag diversion dike at the existing bridge site, all of which is located along SR 0044, Segment 0010, Offset 2194. This project proposes to have a minimal impact on the tributary to Beaver Run, which is, designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1347. Allegheny County Department of Public Works, Room 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. West Mifflin Borough, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing bridge (Thompson Run South Side Bridge No. 3) and to construct and maintain an arch culvert having a span of 14.0 feet with an underclearance of 10.0 feet across the channel of Thompson Run (WWF) for the purpose of improving highway safety. The project is located on Homestead Duquesne Road, approximately 120 feet south from the intersection of Homestead Duquesne Road and Lower Bull Run Road (Glassport, PA Quadrangle N: 21.0 inches; W: 0.75 inch).

E03-399. Burrell Township, R. D. 1, Box 126, Ford City, PA 16226. Burrell Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain five 60-inch polyethylene pipe culverts in an unnamed tributary to Crooked Creek (CWF) for the purpose of improving transportation safety and roadway standards located on Creek Road just upstream of the confluence with Crooked Creek. (Whitesburg, PA Quadrangle N: 3.95 inches; W: 11.84 inches).

E03-400. Roaring Run Watershed Association, Inc., P. O. Box 333, Apollo, PA 15613-0333. Kiskiminetas Township, **Armstrong County**, ACOE Pittsburgh District.

To construct and maintain a pedestrian bridge having a clear span of 63 feet and an underclearance of 6 feet across Roaring Run (CWF) located at a point approximately 2,000 feet upstream of its confluence with the Kiskiminetas River (Vandergrift, PA Quadrangle N: 10.1 inches; W: 4.49 inches)

E63-511. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 469, Uniontown, PA 15401. Cecil Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing bridge and to construct and maintain a new bridge consisting of two elliptical concrete culverts each having a span of 7.58 feet with an underclearance of 4.83 feet (1.0 foot depressed below streambed) in an unnamed tributary to Millers Run (WWF) for the purpose of improving SR 1003. The bridge is located on SR 1003, approximately 400 feet north from the intersection of SR 1003 and Reissing Hollow (Canonsburg, PA Quadrangle N: 17.0 inches; W: 10.4 inches).

E63-512. Washington County Commissioners, Courthouse Square, 100 Beaver Street, Washington, PA 15301. City of Washington, **Washington County**, ACOE Pittsburgh District.

To remove the existing bridge (West Maiden Street Bridge, T-572) and to construct and maintain a new bridge having a span of 20.55 feet with a minimum underclearance of 6.5 feet across Catfish Creek (WWF) for the purpose of improving West Maiden Street. The bridge is located on West Maiden Street approximately 235 feet east from the intersection of Oregon Street and West Maiden Street (Washington West, PA Quadrangle N: 7.6 inches; W: 0.2 inch).

E65-785. Esther Glasser, 916 Green Street, Greensburg, PA 15601. Mount Pleasant Township, **Westmoreland County**, ACOE Pittsburgh District.

To place and maintain fill in 0.82 acre of wetland and an unnamed tributary to Boyer Run (WWF) for the purpose of construction of the Mountain Shadows Housing Development. Also, to construct and maintain an 8-inch diameter outfall structure in said stream. The project is located approximately 0.5 mile south of the town of Norvelt (Mount Pleasant, PA Quadrangle N: 12.25 inches; W: 1.0 inch).

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-338. Vernon and Margaret Boyer, 657 Kiester Road, Slippery Rock, PA 16057. Boyer Small Flow Residential Wastewater Treatment Facilities, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 8.8 inches; W: 17 inches).

To construct and operate a small flow residential treatment facility that discharges directly to Slippery Rock Creek (CWF) and impacts less than 0.1 acre land

along Slippery Rock Creek to replace a malfunctioning onlot sewage disposal system

E20-492. Meadville Real Estate, L.P., 2400 Ardmore Boulevard, Suite 800, Pittsburgh, PA 15221. Vernon Town Square, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 22.4 inches; W: 11 inches).

To fill 2.02 acres of wetlands (PSS/PFO) for construction of Vernon Township Square commercial development at the northwest corner of the intersection of S. R. 322 and S. R. 98 and to construct and maintain 2.02 acres of replacement wetlands (PSS/PFO) and enhance 1.0 acre of existing wetlands (PEM) located approximately 0.38 mile northeast of Keborts Corners (Geneva, PA Quadrangle N: 16.5 inches; W: 9 inches).

E33-204. Brockway Borough, 501 Main Street, Brockway, PA 15824. Little Toby Creek Stream Restoration Project, in Brockway Borough, **Jefferson County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 21.0 inches; W: 4.6 inches).

To construct and maintain a stream bank restoration project in/along a total reach of approximately 2,000 feet of Little Toby Creek (CWF) extending downstream from the confluence of Rattlesnake Creek including the following:

1. Remove three gravel bars having a total combined length of approximately 510 feet.
2. Install root wad and live stake bank protection at nine areas having a total combined length of approximately 1280 feet
3. Re-grade the bank and install live stake bank stabilization at one location measuring approximately 80 feet in length.
4. Install woody debris and rock riprap as backfill at two locations.

E42-280. Bradford Township, 136 Hemlock Street, Bradford, PA 16701. Tuna Valley Trails—West Tuna Creek Trail, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 14 inches; W: 5.4 inches).

To construct and maintain the following structures over West Branch Tunungwant Creek (CWF) for pedestrian and bicycle traffic, associated with the construction and maintenance of a trail consisting of gravel fill, with either an asphalt or crushed limestone surface approximately 10-feet wide and 1.4 miles in length, along an existing path, parallel to and in the floodplain and floodway of the perennial West Branch Tunungwant Creek (CWF), beginning at the intersection of Campus Drive and Onofrio Street and ending at Dorothy Lane adjacent to the University of Pittsburgh—Bradford Campus:

1. A 14-ft-wide by 31-ft-long crossing with concrete abutments, steel stringers and a wooden deck and railings; with rock riprap placed along the banks for a length of 20 ft.
2. A 14-ft-wide by 22-ft-long crossing with concrete abutments, steel stringers and a wooden deck and railings; with rock riprap placed along the banks for a length of 20 ft.
3. A 14-ft-wide by 70-ft-long crossing with concrete abutments, steel stringers and a wooden deck and railings; with rock riprap placed along the banks for a length of 20 ft.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 1501410, Sewage, **Tredyffrin Township Municipal Authority**, 1100 DuPortail Road, Berwyn, PA 19312.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer extension and pump station to serve commercial properties.

WQM Permit No. 4696420 A1, Sewage, **Borough of Royersford**, P. O. Box 188, 300 Main Street, Royersford, PA 19468.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a dechlorination facility at the existing treatment plant.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0010294, Industrial Waste, **Tyco Electronics Corporation**, MS 140-042, P. O. Box 3608, Harrisburg, PA 17105-3608.

This proposed facility is located in Williamstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Wiconisco Creek in Watershed 6-C.

NPDES Permit No. PA0081591, Sewage, **Eastern York County Sewer Authority**, 44 Walnut Springs Road, P. O. Box 6206, Hellam, PA 17406-6206.

This proposed facility is located in Hallam Borough, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Kreutz Creek in Watershed 7-I.

NPDES Permit No. PA0081434, Sewerage, **Country-side Mobile Home Park**, 204 Stone Mill Drive, Elizabethtown, PA 17022.

This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of South Branch in Watershed 7-H.

NPDES Permit No. PA0070360, Sewerage, **All American Plazas, Inc.**, P. O. Box 302, Bethel, PA 19507.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Crosskill Creek in Watershed 7-D.

NPDES Permit No. PA0081752, Sewerage, **Philhaven Hospital**, 283 South Butler Road, P. O. Box 550, Mount Gretna, PA 17042.

The proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Bachman Run in Watershed 7-D.

NPDES Permit No. PA0087408, Sewerage, **Midway Lodgings, Comfort Inn—Midway**, P. O. Box 6, Bethel, PA 19507.

The proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Little Swatara Creek (via swale) in Watershed 7-D.

WQM Permit No. 6789443 (Transfer 1), Sewerage, **Countryside Mobile Home Park**, 204 Stone Mill Drive, Elizabethtown, PA 17022.

The proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: The continued operation of sewage treatment facilities.

WQM Permit No. 3872403 (Amendment 01-1), Sewerage, **North Cornwall Township Authority**, 320 South 18th Street, Lebanon, PA 17042.

The proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Modifications to the construction/operation of pump stations.

WQM Permit No. 0501402, Sewerage, **Zane Weicht**, 1179 North Milk and Water Road, Everett, PA 15537.

The proposed facility is located in West Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a single family sewage treatment facility.

WQM Permit No. 0101402, Sewerage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325.

The proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of Sewage Treatment Facilities.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0020583, Sewerage, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842.

This proposed facility is located in Middleburg Borough, **Snyder County**.

Description of Proposed Action/Activity: Renewal of an existing permit.

NPDES Permit No. PA0113182, Sewerage, **Albert Drobka**, Al Mar Acres Mobile Home Park, P. O. Box 256, State College, PA 16804-0256.

This proposed facility is located in Harris Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of an existing permit.

NPDES Permit No. PA0209317, Sewerage, **Leonard G. Young**, Oakridge Personal Care Home, R. R.#2 Box A 195, Mill Hall, PA 17751.

This proposed facility is located in Colebrook Township, **Clinton County**.

Description of Proposed Action/Activity: Renewal of an existing NPDES Permit.

NPDES Permit No. PA0113212, Sewerage, **Delaware Township Municipal Authority**, P. O. Box 80, Dewart, PA 17730.

This proposed facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Rerating the existing STP.

WQM Permit No. 4993401, Sewerage, **Delaware Township Municipal Authority**, P. O. Box 80, Dewart, PA 17730.

This proposed facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Rerating the existing STP.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0000892, Industrial Waste, **Westinghouse Electric Corporation**, Specialty Metals Plant, R. D. 4, Box 333, Blairsville, PA 15717-8904 is authorized to discharge from a facility located at Derry Township, **Westmoreland County** to receiving waters named the Conemaugh River.

NPDES Permit No. PA0218430, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689 is authorized to discharge from a facility located at Penn Township, **Westmoreland County** to receiving waters named unnamed tributary to Bushy Run.

NPDES Permit No. PA0091146, Amendment No. 1, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456 is authorized to discharge from a facility located at Industrial Park No. 2 STP, North Union Township, **Fayette County** to receiving waters named unnamed tributary of Gist Run.

NPDES Permit No. PA0091791-A1, Sewage, **Joseph Argiro**, R. D. 2, Box 368, Connellsville, PA 15425 is authorized to discharge from a facility located at Argiro Mobile Home Park STP, Bullsken Township, **Fayette County** to receiving waters named unnamed tributary of Breakneck Run.

NPDES Permit No. PA0092525, Sewage, **Scottdale Manor Rehabilitation Center LC**, 900 Porter Avenue, Scottdale, PA 15683-1147 is authorized to discharge from a facility located at Scottdale Nursing Home, East Huntingdon, **Westmoreland County** to receiving waters named unnamed tributary to Jacobs Creek.

Permit No. 6500201, Industrial Waste, **Allegheny Energy Supply Company, L.L.C.** Construction of an Electricity Generation Plant located in Penn Township, **Westmoreland County** to serve Harrison City combustion turbine power generation plant Unit 6 and Unit 7.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0221261, Sewage, **Richard A. and Pamela A. Roupe**, 600 Minard Run Road, Bradford, PA 16701.

This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This project is to discharge to unnamed tributary to Minard Run.

NPDES Permit No. PA0238481, Sewage, **John J. Kolcun, Jr.**, 20268 Gospel Hill Road, Saegertown, PA 16433.

This proposed facility is located in Venango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is to discharge to unnamed tributary to French Creek.

NPDES Permit No. PA0222135, Sewage, **Vision-Quest National Ltd.**, Fort Charles Young, P. O. Box 168, Franklin, PA 16323-0168.

This proposed facility is located in Sandycreek Township, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to the Allegheny River.

NPDES Permit No. PA0103802, Sewage, **Midwest Campers—Camp Stone**, 14141 Cedar Road, South Euclid, OH 44121.

This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Patchen Run.

NPDES Permit No. PA0104329, Sewage, **US Army Corps of Engineers**, Big Bend Access Area, 1000 Liberty Avenue, Pittsburgh, PA 15222.

This proposed facility is located in Mead Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River.

NPDES Permit No. PA0221945, Sewage, **Eagle Crest Manor Mobile Home Park**, 7064 Perry Highway, Meadville, PA 16335.

This proposed facility is located in Union Township, **Crawford County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Conneaut Outlet.

NPDES Permit No. PA0026697, Sewage, **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001-3256.

This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Connoquenessing Creek.

NPDES Permit No. PA0221619, Sewage, **Otto Township Sanitary Authority**, P. O. Box 213, Duke Center, PA 16729.

This proposed facility is located in Otto Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Knapp Creek.

NPDES Permit No. PA0103209, Sewage, **Seneca High School**, Wattsburg Area School District, 10782 Wattsburg Road, Erie, PA 16509.

This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to LeBoeuf Creek.

NPDES Permit No. PA0238562, Sewage, **John Ditrch Subdivision**, Property Owners Association, Inc., 5795 Peck Road, 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Six Mile Creek.

WQM Permit No. 4201403, Sewage, **Scott and Deborah Cavagnaro and Robert and Sharon Daggett**, 407 Minard Run, Bradford, PA 16701.

This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a common ground infiltration trench disposal system to serve two homes.

WQM Permit No. 4201402, Sewage, **Borough of Kane Authority**, Pine Street wastewater treatment plant, 112 Bayard Street, P. O. Box 79, Kane, PA 16735.

This proposed facility is located in Borough of Kane, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction of CSO related by-pass facilities at the Pine Street wastewater treatment plant.

WQM Permit No. 4301411, Sewage, **Peter M. and Emily J. Daloni**, 2646 Mercer-West Middlesex Road, West Middlesex, PA 16159.

This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve two private residences.

WQM Permit No. 6201402, Sewage, **Municipal Authority of the Township of Sheffield**, P. O. Box 821, Sheffield, PA 16347-0821.

This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the addition of a sludge holding tank to the existing sewage treatment facilities.

WQM Permit No. 2401401, Sewage, **St. Marys Municipal Authority**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857.

This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This project is for the upgrade and expansion of the Existing wastewater treatment facility.

WQM Permit No. 2001403, Sewerage, **John J. Kolcun, Jr.**, 20268 Gospel Hill Road, Saegertown, PA 16433.

This proposed facility is located in Venango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

NPDES STORMWATER INDIVIDUAL PERMITS— (PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10 G379	Greenpoint Farm, Inc. c/o Beiler Campbell Realtors 402 Bayard Road Kennett Square, PA 19348	Chester East Nottingham Township	Little Elk Creek (HQ- TSF-MF)
PAS10 G448	Woodstone Development, Inc. P. O. Box 638 60 North Pottstown Pike Uwchlan, PA 19480	Chester West Brandywine Township	Culbertson Run (HQ- TSF-MF)
PAS10 G459	Eastern Shore Natural Gas 417 Bank Lane Dover, DE 19004	Chester Londonderry, Franklin and Penn Townships	Big Elk Creek (HQ- MF) East Branch White Clay Creek (HQ-MF) West Branch White Clay Creek (MF)
PAS10 G460	PA Turnpike Commission P. O. Box 67676 Engineering Department Harrisburg, PA 17106-7676	Chester Charlestown Township	Unnamed tributary to Valley Creek (EV)
PAS10 G464	Trammell Crow Development, Inc. 101 West Elm Street, Suite 400 Conshohocken, PA 19428-2009	Chester East Whiteland and Tredyffrin Townships	Cedar Hollow Run/ Valley Creek Water- shed (EV)
<i>Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>			
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS101914-1	Transcontinental Gas Pipe Line Corp. P. O. Box 1396 Houston, TX 77251-1396	Lycoming and Clinton Various	Pine Creek, Lick Run, Hyner Run, Young Womans Creek and tributaries

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type-PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Springfield Township Delaware County	PAR10 J209	David Baravordeh P. O. Box 81 Prospect Park, PA 19076	Crum Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lansdale Borough and Upper Gwynedd Township Montgomery County	PAR10 T639-2	Progress Development, LP 595 Skippack Pk. Suite 100 Blue Bell, PA 19422	Towamencin Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10 T769	Trinity Evangelical Congregational Church 427 Walnut St. Royersford, PA 19468	Tributary of Mingo Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAR10 T706	Methacton School District 1001 Kriebel Mill Rd. Norristown, PA 19408	Rock Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Berwick Township Adams County	PAR100127	Don Leiby Sel-Wil, Inc. 7075 Carlisle Pike Carlisle, PA 17013	Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325- 3404 (717) 334-0636
North Middleton Township Cumberland County	PAR10H263	D. P. Operating Partnership 1200 Financial Boulevard Reno, NV 89502	Alexander Spring (CWF) Conodoguinet (WWF)	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Clinton Township Lycoming County	PAR103946	Muncy SCI Proj. 2520 Lisburn Rd. Camp Hill, PA 17001	Susquehanna River/ WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003

Southwest Region: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Allegheny County City of Pittsburgh	PAR10A403-1	Pittsburgh Sports and Exhibition Authority 425 Sixth Street Pittsburgh, PA 15146	Allegheny River/WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Allegheny County Robinson Township	PAR10A428-1	CRA Associates 2559 Washington Road Pittsburgh, PA 15241	UNT to Chartiers Creek/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAR10A451-1	Williamson & Jefferson, Inc. 103 Warlington Circle McMurray, PA 15317	UNT to Painters Run/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAR10A493	Seabright Land Company 470 Old Frankstown Road Monroeville, PA 15146	Robinson Run/ WWF	Allegheny County Conservation District (412) 241-7645
Washington County Peters Township	PAR10W1188	Jeff and Diane Lioon 243 Twin Hills Drive Pittsburgh, PA 15216	UNT to Peters Creek/WWF UNT to Brush Run/WWF	Washington County Conservation District (724) 228-6774
Butler County Jackson Township	PAR10E157	Sysco Foods Services of Pittsburgh, Inc. Dev. One Whitney Drive Harmony, PA 16037	Connoquenessing Creek (HW- WWF)	Butler Conservation District (724) 284-5270
Butler County Connoquenessing Borough	PAR10E158	Residential Subdivision Harold & Cheryl Hilliard P. O. Box 228 Connoquenessing, PA 16027	Unnamed tribu- tary to Con- noquenessing Creek (WWF)	Butler Conservation District (724) 284-5270
Jefferson County Big Run Borough Gaskill Township and Henderson Township	PAR103341	Big Run Area Municipal Authority R. R. 2 Box 126A Punxsutawney, PA 15767	Mahoning Creek (CWF)	Jefferson Conservation District (814) 849-7463

General Permit Type- PAR-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Clinton County Pine Creek Township	PAR204831	Jersey Shore Steel Company P. O. Box 5055 Jersey Shore, PA 17740	Unnamed tribu- tary to Susquehanna River	Northcentral Regional Office Department of Environ- mental Protection 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Pittsburgh Allegheny County	PAR806207	Airborne Express Inc. P. O. Box 662 Seattle, WA 98111-0662	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type- PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Bedford County Cumberland Valley Township	PAG043550	Norman Sigel and J. Arthur Oberholtzer 6827 Bedford Valley Rd. Bedford, PA 15522-6114	Sandy Spring Creek/HQ-CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type— PAG-9 (SSN)

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contract Office and Telephone No.</i>
Meshoppen Township Wyoming County	PAG09-208	Rhomas Rogers Rural Septic	Rural Septic Meshoppen Township Farm	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Southampton Township Franklin County	PAG093532	Rosenberry Septic Tank Service 8885 Pineville Road Shippensburg, PA 17257	RBA Septic Ser- vices LLC Farm Southampton Township Franklin County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1— 721.17).**

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 3480080, Public Water Supply.

Applicant	Lehigh Township Municipal Authority 1069 Municipal Road Walnutport, PA 18088
Borough or Township	Lehigh Township
County	Northampton
Type of Facility	Water System Interconnection
Consulting Engineer	Spotts, Stevens and McCoy 3722 Lehigh Street Whitehall, PA 18052
Permit to Construct Issued	January 8, 2001

Permit No. 5401504, Construction Permit, Public Water Supply.

Applicant	Eagle Springs, Inc. 88 West Donaldson Street Tremont/Zerby, PA 17981-1604
Borough or Township	Hegins Township
County	Schuylkill
Type of Facility	Bulk Water Hauling
Consulting Engineer	Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Permit to Construct Issued	June 29, 2001

Operations Permit No. 2406498 issued to: **Tulpehocken Spring Water, Inc.**, R. R. 1, Box 114 T, Northumberland, PA 17857, Foster Township, **Luzerne County**, on July 11, 2001.

Operations Permit No. 4099501 issued to: **Monroe Bottling Co., Inc.**, 522 North Main St., P. O. Box 865, Pittston, PA 18640, Pittston City, **Luzerne County**, on June 28, 2001.

Permit No. 5499507, Minor Amendment. Public Water Supply.

Applicant	MC Resource Development, Inc.
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Borough or Township	East Brunswick/West Penn Township
County	Schuylkill
Type of Facility	Bulk Water Hauling
Consulting Engineer	Ken Justice, P.E.
Permit to Construct Issued	July 5, 2001

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0101501, Public Water Supply.

Applicant	Bonneauville Borough Municipal Authority
Municipality	Bonneauville Borough
County	Adams
Type of Facility	Construction Permit for Well No. 8. Treatment will consist of disinfection using sodium hypochlorite.
Consulting Engineer	Diana Young, P.E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040
Permit to Construct Issued:	July 10, 2001

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 0801501, Public Water Supply.

Applicant	Consumers Pennsylvania Water Company 204 East Sunbury Street Shamokin, PA 17872-4849
Borough	Sayre Borough
County	Bradford
Type of Facility	Public Water Supply
Consulting Engineer	CET Engineering Services 321 Washington Street Huntington, PA 16652
Permit to Construct Issued	July 11, 2001

Permit No. Minor Amendment. Public Water Supply.

Applicant **BCI Municipal Authority**
Cressview Street Extension
P. O. Box 388
Irvona, PA 16656

Township Gulich Township

County **Clearfield**

Type of Facility Public Water Supply

Consulting Engineer Stiffler McGraw & Associates Inc.
19 N. Juniata St.
Hollidaysburg, PA 16648

Permit to Construct July 11, 2001
Issued

Permit No. Minor Amendment. Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris & College Townships

County **Centre**

Type of Facility Public Water Supply

Consulting Engineer Gwin, Dobson, & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Permit to Construct July 12, 2001
Issued

Permit No. 1897502. Public Water Supply.

Applicant **Crawford Township Authority**
R. R. # 2, Box 388
Jersey Shore, PA 17740

Township Crawford Township

County **Clinton**

Type of Facility Public Water Supply

Consulting Engineer Richard W. Marcinkevage, P.E.
431 South Jones Street
Lock Haven, PA 17745

Permit to Operate July 13, 2001
Issued

Permit No. 4146363. Public Water Supply.

Applicant **Harmony Brook dba Culligan Store Solutions**
1030 Lone Oak Road, # 110
Eagan, MN 55121-2251

Township Loyalsock Township

County **Lycoming**

Type of Facility Vended Water Machine

Consulting Engineer None

Permit to Operate July 13, 2001
Cancelled

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0201503. Public Water Supply.

Applicant **The Municipal Authority of the Borough of Oakmont**
721 Allegheny Avenue
P. O. Box 73
Oakmont, PA 15139

[Borough or Township] Borough of Oakmont

County **Allegheny**

Type of Facility Hampton Emergency Interconnect for emergency use only

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis, PA 15108

Permit to Construct July 11, 2001
Issued

Permit No. 0301501. Public Water Supply.

Applicant **Kittanning Suburban Joint Water Authority**
R. R. 1 Box 23
Adrian, PA 16210-9712

[Borough or Township] East Franklin Township

County **Armstrong**

Type of Facility Water Treatment Plant improvements

Consulting Engineer Bankson Engineers Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Permit to Construct July 9, 2001
Issued

Operations Permit 2348-T2 issued: Change of ownership to **John R. Lasher d/b/a Templeton Water Company**, Box 345, Templeton, PA 16259, Pine Township, **Armstrong County** on June 27, 2001.

Operations Permit 6558-T issued: Change of ownership to **John R. Lasher d/b/a Templeton Water Company**, Box 345, Templeton, PA 16259, Pine Township, **Armstrong County** on June 27, 2001.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Operations Permit No. 3799502 issued to **PA-American Water Company**, New Castle Water Treatment Plant, 300 Galley Road, McMurray, PA 15317 in Neshannock Township, **Lawrence County** on July 9, 2001.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1–750.20).**

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main Street Birdsboro, PA 19508	Berks

Plan Description: The approved plan provides for the completion of a comprehensive, township wide Act 537 plan within 2 years. The Department's review of the sewage facilities update revision has not identified any

significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York

Plan Description: The approved plan provides for the installation of a sanitary sewer collection and conveyance system to serve the Oak Hill and Myermon Areas. Sewage will be transported to Penn Township for treatment and disposal. The plan also provides for the inclusion of the Oak Hill, Myermon, Fuhrman Mill Road, Pleasant Hill, Shorbs Hill and Fairview Road Areas in an onlot sewage management district. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Springfield Township	9211 Susquehanna Trail South Seven Valleys, PA 17360-9236	York County

Plan Description: The proposed Official Plan revision, Freedom Armory, consists of a two-lot commercial subdivision on 8.93 acres that proposes on-lot sewage disposal with the use of denitrification units. The proposed development is located at the southeast corner of the intersection of Susquehanna Trail and Seaks Run Road in Springfield Township, York County. The plan was disapproved because information submitted to the Department does not adequately characterize the proposed waste strength as meeting the requirements of the alternate listing for denitrification units in Section 9.A.2 of the Alternate and Experimental Guidance. In addition, other alternatives for sewage disposal were not adequately addressed and the estimated sewage flows did not consider flows from customers or other visitors in addition to flows generated by employees.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101— 6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation

to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or supply and recreation, residential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

First United Methodist Church of Germantown, City of Philadelphia, Philadelphia County. Robert Goldman, Lexicon Environmental Assoc., Inc., 790 E. Market St., Suite 270, West Chester, PA 19382-4806, on behalf of First United Methodist Church of Germantown, 6023 Germantown Ave., Philadelphia, PA 19144, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

3600 Reed Street Property, City of Philadelphia, Philadelphia County. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of PA Industrial & Commercial Development Authority, 2600 Centre Square West, 1500 Market St., Philadelphia, PA, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons; and site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Statewide Health and Site-specific standards.

Merit Metals, Warrington Township, Bucks County. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Leonard Sayles and Leonard Walberg, 2804 Edgehill Rd., Huntingdon Valley, PA 19006, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Rybas Property, Bensalem Township, Bucks County. Darryl Schmitt, Brinkerhoff Environmental Services, Inc., 133 Jackson Rd., Suite D., Medford, NJ 08055, on behalf of John, Jr., Mary C., Walter G., David J., Barbara J. & Joan C. Rybas, 888 Frankford Ave., Philadelphia, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Hibbs Tract, Wrightstown Township, Bucks County. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Dr., Doylestown, PA 18901, on behalf of Frederick Hibbs, et al, P. O. Box

176, Penns Park, PA 18943, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Realen Homes, L.P., Falls Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, on behalf of H. C. Price Co., 15660 N. Dallas Parkway, Suite 300, Dallas, TX 75248, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sun Pipe Line Co., GW, East Goshen Township, **Chester County**. Jennifer L. Stafford, P.G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of The Terramic Management Co, c/o Peter Haussmann, 1180 W. Swedesford Rd., Suite 40, Berwyn, PA 19312, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Herby's Towing and Recovery, Upper Darby Township, **Delaware County**. Robert Byer, Jr., P.G., IT Corp., 1220 Ward Ave., Suite 300, West Chester, PA 19380, on behalf of Margaret Cacciutti, 263 Hoffercker Rd., Phoenixville, PA 19460, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and site groundwater contaminated with lead, BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide Health and Site-specific Standards.

Crown American Logan Valley Mall, Logan Township, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 (on behalf of Crown American Properties, LP, Pasquerilla Plaza, Johnstown, PA 15901 and J. C. Penney Company, P. O. Box 10001, Dallas, TX 75301-001) has submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with lead, PAHs, benzene and VOCs. The report is intended to document remediation of the site to a combination of the Statewide Health and site-specific standards.

Pulsar Petroleum of Reading, Inc., Muhlenberg Township, **Berks County**. Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090-2511 (on behalf of Pulsar Petroleum of Reading, Inc., Shippers Road, P. O. Box 159, Macungie, PA 18062) has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to the site-specific standard.

SWMU No. 6—Salvage Yard, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 has submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of the site to the Statewide Health standard.

SWMU No. 27—Tank 950, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 has submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of the site to the Statewide Health standard.

tion of site soils contaminated with solvents. The report is intended to document remediation of the site to the Statewide Health standard.

Rite Aid Middletown (formerly Ken Hess Chevrolet), Middletown Borough, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 (on behalf of Rite Aid corporation, 30 Hunter Lane, Camp Hill, PA 17011) has submitted a Final Report concerning remediation of site soils contaminated with lead, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or supply and recreation, residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Electric Environmental Services, Inc., City of Lebanon, **Lebanon County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 1, Exton, PA 19341 (on behalf of General Electric Environmental Services, Inc., 253 North Fourth Street, Lebanon, PA 17046 and Terex Corporation, 300 North Fourth Avenue, Lebanon, PA 17046) submitted a Final Report concerning the remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on July 9, 2001.

Santiago Property, City of Reading, **Berks County**. Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 (on behalf of Pipeline Petroleum, Inc., P. O. Box 159, Macungie, PA 18062 and Eduardo Santiago, 321 West Greenwich Street, Reading, PA 19601) submitted a final report concerning the remediation of site soils contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on July 11, 2001.

Eastern Industries Oley Quarry, Oley Township, **Berks County**. Columbia Petroleum Corporation, 225 East Main Street, Richland, PA 07087 (on behalf of Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034) submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with BTEX, PAHs and PHCs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on September 14, 2000.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to operate a hazardous waste treatment, storage, or disposal facility.

Southeast Region: Division of Municipal and Residual Waste, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PAD980550094. Sunoco, Inc. (R&M), Delaware and Green Streets, Marcus Hook, PA 19061, Borough of Marcus Hook, **Delaware County**. Renewal permit for a captive storage facility at the Marcus Hook Refinery. Permit issued by the Southeast Regional Office on July 10, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 602871. East Providence Township Municipal Authority, P. O. Box 83, Breezewood, PA 15533, East Providence Township, **Bedford County**. Revokes permit for the Land Application of Sewage Sludge on the Jack E. Colledge Farm. The permit was revoked by the Southcentral Regional Office on July 9, 2001.

Persons interested in reviewing the general permit may contact Thomas Sweeney, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permit No. 603052. Borough of Adamstown, 3000 Lancaster Avenue, Adamstown, PA 19501, Brecknock Township, **Lancaster County**. Revokes permit for the Land Application of Sewage Sludge on the Adam Sauder Farm. The permit was revoked by the Southcentral Regional Office on July 9, 2001.

Persons interested in reviewing the general permit may contact Thomas Sweeney, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permit No. 603032. Borough of Adamstown, 3000 Lancaster Avenue, Adamstown, PA 19501, East Cocalico Township, **Lancaster County**. Revokes permit for the Land Application of Sewage Sludge on the Martin Farm. The permit was revoked by the Southcentral Regional Office on July 9, 2001.

Persons interested in reviewing the general permit may contact Thomas Sweeney, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permit No. 603435. Philadelphia Water Department, Biosolids Recycling Center, 7800 Penrose Ferry Road, Philadelphia, PA 19153, Fulton Township, **Lancaster County**. Revokes permit for the Land Application of Sewage Sludge on the Robert McSparran Farm. The permit was revoked by the Southcentral Regional Office on July 12, 2001.

Persons interested in reviewing the general permit may contact Eric Laur, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permit No. 603435. Philadelphia Water Department, Biosolids Recycling Center, 7800 Penrose Ferry Road, Philadelphia, PA 19153, Drumore Township, **Lancaster County**. Revokes permit for the Land Application of Sewage Sludge on the John McSparran Farm. The permit was revoked by the Southcentral Regional Office on July 12, 2001.

Persons interested in reviewing the general permit may contact Eric Laur, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

GP1-28-03036: Tuscarora School District (118 East Seminary Street, Mercersburg, PA 17236) on July 12, 2001, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 at its James Buchanan Middle School in Peters Township, **Franklin County**.

GP1-34-03003: Empire Kosher Poultry, Inc. (R. R. 5, River Road, Mifflintown, PA) on July 11, 2001, was authorized to operate a small gas and No. 2 oil fired combustion units under GP1 in Walker Township, **Juniata County**.

GP3-67-03106: County Line Quarry, Inc. (740 South Front Street, Wrightsville, PA 17368) on July 12, 2001, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Hellam Township, **York County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001– 4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0037C: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on July 9, 2001, for operation of a Tantalum Scrap Digestion in Douglass Township, **Montgomery County**.

23-0004: American Ref-Fuel Co. of DV, L.P. (10 Highland Avenue, Chester, PA 19013) on July 13, 2001, for operation of a Mass Burn Resource Recovery Facility in the City Of Chester, **Delaware County**.

15-0090: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) on July 13, 2001, for operation of a Flexographic Offset Printing Units in Uwchlan Township, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

35-318-084: Chamberlain Manufacturing Corp. (156 Cedar Avenue, Scranton, PA 18505) on July 16, 2001, for construction of an internal coating paint booth and associated air cleaning device in Scranton, **Lackawanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

21-03054: Gibson-Hollinger Funeral Home, Inc. (501 North Baltimore Avenue, Mount Holly Springs, PA 17065) on July 11, 2001, for construction of a Cremation Chamber in Mount Holly Springs Borough, **Cumberland County**.

36-05093A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506-0550) on July 11, 2001, for modification of a drum mix asphalt plant controlled by a fabric filter in East Cocalico Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

44-05014A: Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16804) on July 12, 2001, for modification of a drum mix asphalt plant controlled by a baghouse in Armagh Township, **Mifflin County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

26-00488B: Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507) on July 6, 2001 for Crushing and Screening at Wymps Gap Quarry/Lake Lynn Quarry in Springhill Township, **Fayette County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001– 4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0128: Icon Identity Solutions (5058 Route 13 North, Bristol, PA 19007) on July 13, 2001, for Paint Spray Booths in Bristol Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03041: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) on June 28, 2001, for construction of an enclosed ground flare and two turbines at its Rolling Hills Landfill in Earl Township, **Berks County**. This plan approval was extended.

06-05004B: Baldwin Hardware Corp. (P. O. Box 15048, Reading, PA 19612-5048) on July 12, 2001, for construction of four cell batch vapor degreasers in Reading City, **Berks County**. The source is subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning. This plan approval was extended.

67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on July 17, 2001, for construction of three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a venturi scrubber and a softwood fiber line and causticizing area in Spring Grove Borough, **York County**. This plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

08-316-014: Masonite Corp. (P. O. Box 311, Towanda, PA 18848-0311) on July 6, 2001, to extend the authorization to operate a hardboard press and resin blending facility and associated air cleaning devices on a temporary basis until November 3, 2001, in Wysox Township, **Bradford County**.

08-322-001B: Northern Tier Solid Waste Authority (P. O. Box 10, Burlington, PA 18814-0010) on June 26, 2001, to extend the deadline for construction of additional municipal solid waste landfill disposal area (Cells 6, 7 and 8) until December 31, 2002, at the Northern Tier Solid Waste Authority Landfill in West Burlington Township, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

65-891B: Firestone Building Products Company (525 Congressional Blvd., Carmel, IN 46032) on July 2, 2001 for Replacing HCFC-141B with Pentane and Install Thermal at Youngwood Plant in Youngwood Borough, **Westmoreland County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

49-00007: Merck and Co., Inc.—Cherokee Plant (P. O. Box 600, Danville, PA 17821) on July 10, 2001, for operation of their pharmaceutical production facility, which includes three large natural gas/No. 2 fuel oil fired boilers, numerous chemical processes, VOC containing storage tanks, process tanks, emergency generators, Avermectin wastewater treatment and Xanthan Gum operations in Riverside Borough, **Northumberland County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

67-05073: New York Wire Co. (P. O. Box 1749, 441 East Market Street, York, PA 17405) on July 10, 2001, for operation of their textile division in Mount Wolf Borough, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

47-00005: Geisinger Medical Center (100 North Academy Avenue, Danville, PA 17822) for their hospital facility in Mahoning Township, **Montour County**. The facility's main sources include three natural gas/#2 fuel oil fired boilers, two natural gas fired boilers, one natural gas fired water heater, one waste oil burner, two sterilizers, eight #2 fuel oil fired emergency generators and three natural gas fired emergency generators. These sources have the potential to emit major quantities of nitrogen oxides (NOx) and sulfur oxides (SOx). The facility has taken emissions limitations to fall below Title V thresholds. The facility has the potential to emit particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

41-305-012: Fisher Mining Co. (P. O. Box 374, Montoursville, PA 17754) for operation of a coal railcar loading operation at the Newberry Railyard in the City of Williamsport, **Lycoming County**. Coal is delivered to the site by truck, stockpiled on a paved asphalt pad and loaded into railcars with two front-end loaders.

The Department of Environmental Protection (Department) has determined that the coal loading operation was constructed and is operating, in conformance with all conditions contained in Plan Approval 41-305-012 as well as in compliance with all applicable requirements con-

tained in Article III of the Rules and Regulations of the Department including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the coal loading operation.

The Department plans to place conditions in the operating permit to be issued which are intended to ensure continued compliance with all applicable requirements as well as require appropriate recordkeeping practices to be employed. The following is a summary of these conditions:

1. No more than 200,000 tons of coal shall be loaded in any 12 consecutive month period. Records shall be maintained of the amount of coal loaded each month.
2. All onsite roadways shall be treated with a Department approved road oil or calcium chloride.
3. All trucks loaded with coal, which enter or exit the site via a public roadway, shall be tarped. Signs explaining this requirement shall be posted at the site access road entrance.
4. The fugitive air contaminant emissions from the loading of railcars shall comply with the requirements of 25 Pa. Code § 123.1(a) at all times. The fugitive air contaminant emissions from the use of roadways, from coal stockpiles and from truck unloading shall comply with the requirements of 25 Pa. Code §§ 123.1(c) and 123.2 at all times.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

59-00003: Watsontown Brick Co. (P. O. Box 68, Watsontown, PA 17777) issued a revised operating permit on June 27, 2001, for brick manufacturing facility in Delaware Township, **Northumberland County**. The revision of this permit is to incorporate terms and conditions from Plan Approval 49-309-008D, which authorized the construction of shale crushing and milling equipment at this facility. A fabric collector and a wet dust suppression system will control particulate matter emissions from this operation at the facility.

14-310-022: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on July 10, 2001, to incorporate conditions established in Plan Approval 14-310-022A for a screen and conveyor in a fine aggregate washing plant (Pleasant Gap Wash Plant # 11) in Spring Township, **Centre County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Roger Fey, Chief, (215) 823-7584.

96-002: Tenet HealthSystem—Medical College of Pennsylvania Hospital—Main Campus and Eastern Pennsylvania Psychiatric Institute (3300 Henry Avenue, Philadelphia, PA 19129) on July 3, 2001, for their facility in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor operating permit issued October 20, 2000, has been administratively amended to identify a change of facility contact, permit contact and

responsible official and to correct the renewal application fee specified under the general conditions for permit renewal.

96-051: Federal Reserve Bank of Philadelphia (100 North 6th Street, Philadelphia, PA 19106) on July 9, 2001, for their facility in the City of Philadelphia, **Philadelphia County**. The Natural Minor facility's operating permit issued June 12, 2001, has been administratively amended to correct the expiration date on page one of the permit from June 12, 2001 to June 12, 2006.

V95-019: ExxonMobil Corp. (6850 Essington Avenue, Philadelphia, PA 19153) on July 13, 2001, for their facility in the City of Philadelphia, **Philadelphia County**. The Title V/State operating permit issued on December 28, 2000, has been administratively amended to: correct a typographical error on Page 1 and the header listing the permit as a Title/State Only operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301–3326); The Clean Streams Law (35 P. S. §§ 691.1–691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51–30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1–1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003).

Coal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

11000104. Hoffman Mining, Inc. (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 133.8 acres, receiving stream Paint Creek. Application received: November 17, 2000. Permit issued: June 8, 2001.

32990101. Walter L. Houser Coal Co., Inc. (R. D. # 9, Box 434, Kittanning, PA 16201), commencement, operation and restoration of a bituminous surface mine in Washington Township, **Indiana County**, affecting 33.5 acres, receiving stream Sugarcamp Run to the South Branch Plum Creek. Application received: February 9, 1999. Permit issued: June 14, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

30841317. Consol Pennsylvania Coal Co., (1800 Washington Rd., Pittsburgh, PA 15241), to revise permit for the Enlow Fork Mine in Richhill Township, **Greene County** to add 9,369 acres to the permit area and subsidence control plan area, no additional discharges. Permit issued: February 13, 2001.

Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

6477SM5C4. ISP Minerals, Inc., (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), renewal of NPDES Permit #PA0009059 in Hamiltonban and Washington Townships, **Adams and Franklin Counties**, receiving stream—Miney Branch to Tom's Creek. Renewal issued: July 13, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

59012801. Clifford Cross, Jr. (P. O. Box 240, Mainesburg, PA 16932-0240), commencement, operation and restoration of a Small Industrial Minerals (Gravel and Sand) permit in Lawrence Township, **Tioga County** affecting 5 acres. Receiving stream—Harts Creek, tributary to Tioga River. Application received: February 21, 2001. Permit issued: July 5, 2001.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law) to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1–691.702) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications:***WATER OBSTRUCTIONS AND ENCROACHMENTS**

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-608. Richland Township, P. O. Box 249, Richlandtown, PA 18955, Richland Township, **Bucks County**, ACOE Philadelphia District.

To place and maintain fill along approximately 700 linear feet of 100-year floodplain and floodway of Tohickon Creek (TSF) as part of the Heller Road widening and improvement project. This work is located approximately 1,800 feet north of the intersection of State Route 212 and Heller Road (Quakertown, PA Quadrangle N: 14.2 inches and W: 11.8 inches).

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E45-410. Pocono Mountains Municipal Airport Authority, P. O. Box 115, Mount Pocono, PA 18344-0115. Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 10-foot x 4-foot concrete box culvert stream enclosure having a length of 212 feet in a tributary to Red Run. The project is located at Pocono Mountains Municipal Airport—Runway 13-31 on the west side of S. R. 0611, approximately 1 mile north west of the intersection of S. R. 0940 and S. R. 0611. (Tobyhanna, PA Quadrangle N: 2.3 inches; W: 1.3 inches).

E40-533. Wilkes-Barre/Scranton International Airport, Avoca, PA 18641. Dupont Borough and the City of Pittston, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in 1.56 acres of wetlands as follows: 0.30 acre of wetlands (Wetland Area A) associated with terminal expansion, a parking garage and an access road; 1.00 acre of wetlands (Wetland Area W), including an impact to a wetland mitigation area previously required by DEP Permit No. E40-410, associated with a fuel farm and general aviation expansion; and several wetland areas totaling 0.26 acre (Wetland Areas B, C, D and E) associated with an access road for commercial land development. The project is part of the airport's overall master plan which includes upgrades and expansions of the existing facilities. The permittee is required to provide 1.56 acre of replacement wetlands. The project is located at the Wilkes-Barre/Scranton International Airport (Avoca, PA Quadrangle N: 16.0 inches; W: 13.7 inches).

E45-407. East Stroudsburg Savings Association, 744 Main Street, Stroudsburg, PA 18360. Stroudsburg Borough, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in an isolated remnant of an old millrace channel having a length of approximately 325 feet situated in Pocono Creek watershed for the purpose of constructing a parking lot for the proposed East Stroudsburg Savings Association administrative building. The project is located north of Pocono Creek at the end of Palmer Street (Stroudsburg, PA Quadrangle N: 19.4 inches; W: 9.9 inches).

E40-542. Edward Lukashewski, R. R. 2, Box 177, Wapwallopen, PA 18660. Dorrance Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To operate and maintain an existing peat harvesting operation in 9.4 acres of wetlands. The permittee is required to provide 9.7 acres of replacement wetlands. The project, known as the Lukashewski Peat Harvesting Project, is located on the north side of St. Mary's Road, immediately northeast of the Hollenback/Dorrance Township boundary line (Sybertsville, PA Quadrangle N: 16.8 inches; W: 6.6 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-222. Richard Mullin, 75 Fleshman Road, New Oxford, PA 17350 in Mount Pleasant Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 22-foot by 42-foot garage attached to the east side of Fleshman's Mill, with a 12-foot wide deck around two sides of the mill. A 30-foot by 20-foot open sided recreation pavilion to be constructed and set on a concrete slab. To rebuild the demolished 26-foot by 28-foot caretaker house and a 40-foot by 80-foot storage shed located within the floodway of the South Branch Conewago Creek (WWF). The purpose of the project is to restore Fleshman's Mill and outbuildings to original 1747 circa conditions. The site is located on the north side of Fleshman Mill Road (McSherrystown, PA Quadrangle N: 22.3 inches; W: 9.3 inches).

E05-292. Bedford County Commissioners, 211 S. Juniata Street, Bedford, PA 15522 in West St. Clair, **Bedford County**, ACOE Baltimore District.

To remove the existing timber deck of Bedford County Bridge 11, clean and paint the existing steel beams and construct a new fiber reinforced polymer deck for the bridge over Dunning Creek (WWF) at a point at T-565 (Alum Bank, PA Quadrangle N: 5.0 inches; W: 16.5 inches).

E06-548. Sunday Farms, 102 Main Street, Stockertown, PA 18083 in Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain two stream crossings, each crossing is composed of a 7-foot by 3.5-foot concrete box culvert at the channel of an unnamed tributary to Mill Creek (TSF) each to access two residential lots at Sunday Farms located at the south side of Long Lane about 300 feet west of the Long Lane and Mill Creek Road intersection (Kutztown, PA Quadrangle N: 10.8 inches; W: 0.06 inch and N: 10.9 inches; W: 0.5 inch).

E22-427. Harrisburg City Parking Authority, 123 Walnut Street, Suite 317, Harrisburg, PA 17108 in the City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 58,645 square foot multi-level vehicle parking garage in the floodway of the Susquehanna River (WWF) for the purpose of expanding parking facilities on City Island located at the southern end of the island between the CONRAIL railroad and the Market Street bridges (Harrisburg PA Quadrangle N: 0.5 inch; W: 1.5 inches).

E36-702. Mark Burkhead, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in West Cocalico Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structures and to construct and maintain (1) a 36-inch diameter reinforced concrete pipe (RCP) culvert at the channel of an unnamed tributary (UT) to Harnish Run (WWF) at Sta. 39+985, a 38-inch by 60-inch elliptical RCP culvert at the channel of an UT to Harnish Run at Sta. 40+552, a 30-inch RCP culvert at the

channel of an UT to Cocalico Creek (HQ-WWF) at Sta. 42+229, a 30-inch by 45-inch elliptical RCP culvert at the channel of an UT to Cocalico Creek at Sta. 42+664, a 36-inch diameter RCP culvert at the channel of an UT to Cocalico Creek at Sta. 42+705, a 48-inch diameter RCP culvert at the channel of an UT to Cocalico Creek at Sta. 43+445; 2) rock rip-rap at the upstream wing wall at Sta. 41+305, a concrete headwall at Sta. 39+985 and 3) extend the length of culverts by 8 feet long at Sta. 41+812 and 44+147 in order to rehabilitate S.R. 0897-009 starting from a point in Blainsport Village to Union House Village (Womelsdorf, PA Quadrangle N: 5 inches; W: 1.85 inches; N: 5.52 inches; W: 2.6 inches; N: 6.32 inches; W: 5.2 inches; N: 6.45 inches; W: 5.94 inches; N: 6.45 inches; W: 6.25 inches; N: 6.55 inches; W: 7.1 inches; N: 5.86 inches; W: 3.8 inches; N: 6.18 inches; W: 4.5 inches; N: 6.12 inches; W: 8.2 inches respectively).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

E14-390. Benner Township Supervisors, 1224 Buffalo Run Road, Bellefonte, PA 16823. Benner Township Foot Bridge, in Benner Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 21.9 inches; W: 15.6 inches).

The applicant proposes to construct, operate and maintain a foot bridge with a underclearance of 4 feet, span of 20 feet and a travel width of 5 feet over Buffalo Run. This project is located 5.9 miles northeast on SR 550 in front of Continental Courts (State College, PA Quadrangle, N: 21.9 inches, W: 15.6 inches) Benner Township, Centre County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-396. Ray Decker, Haines Township Supervisors, P. O. Box 244, Aaronsburg, PA 16820-0244. Replacing three road culverts pipes for Applebutter Road, in Haines Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 6.0 inches; W: 1.9 inches).

1) To remove an existing culvert and then to place and maintain two 42-inch by 27-inch by 24-foot arch corrugated metal pipes with concrete headwalls and a waterway opening of 12.6 square feet; 2) to remove an existing culvert and then to place and maintain two 57-inch by 38-inch by 21-foot arch corrugated metal pipes with concrete headwalls and a waterway opening of 23.2 square feet; 3) to remove an existing culvert and then to place and maintain two 42-inch by 27-inch by 20-foot arch corrugated metal pipes with concrete headwalls and a waterway opening of 12.6 square feet; in an unnamed tributary of Pine Creek located 1,110 feet north on Applebutter Road from the intersection of SR 0045 in Haines Township, Centre County. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-212. George R. Fenimore, 828 Green Creek Road, Benton, PA 17814. Fenimore Crossing, in Jackson Township, **Columbia County**, ACOE Baltimore District (Benton, PA Quadrangle N: 15.7 inches; W: 8 inches).

To operate and maintain two 5-foot diameter culvert pipes with a length of 75 feet in Green Creek. This crossing is for a single residence and is solely for access to the home and remaining land. The project impacted 100 lineal feet of stream and did not impact any wetlands. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1304-A1. The Sports and Exhibition Authority of Pittsburgh and Allegheny County, Regional Enterprise Tower, Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit No. E02-1304 which authorized the construction and maintenance of an expansion to the David L. Lawrence Convention Center within the flood plain of the Allegheny River (WWF) and to construct and maintain two separate staircases on the left bank of the Allegheny River within the floodway. The project area is bounded by Eleventh Street to the east, Tenth Street to the West, Penn Avenue to the South and Fort Duquesne Boulevard to the North in the City of Pittsburgh, Allegheny County. This amendment will authorize the construction and maintenance of a 48-inch stormwater outfall to the Allegheny River. (Pittsburgh East, PA Quadrangle N: 12.8 inches; W: 16.8 inches).

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-322, Cranberry Township, 2525 Rochester Road, Cranberry Township, 16066. Cranberry Highlands Golf Course, in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To conduct the following activities associated with the construction of Cranberry Highlands Golf Course, a municipal golf course, along Freshcorn Road north of Glen Eden Road in Cranberry Township, Butler County:

1. Fill 0.36 acre of wetland associated with construction of a 170-foot long, 54-inch diameter corrugated metal pipe stream enclosure in a tributary to Brush Creek having a contributory drainage area of 73.3 acres for the reconstruction and realignment of approximately 1.4 miles of T-300 (Freshcorn Road) extending north from S.R. 3024 (Glen Eden Road) (Baden, PA Quadrangle N: 19.5 inches; W: 1.75 inches).

2. Fill 0.48 acre of wetland for construction of a pond and Hole 3 of the golf course (Baden, PA Quadrangle N: 18.6 inches; W: 2.5 inches).

3. Construct and maintain a raw water intake in Brush Creek approximately 600 feet west of Powell Road near the Cranberry Township Municipal Sewer and Water Authority Wastewater treatment plant (Baden, PA Quadrangle N: 17.0 inches; W: 2.85 inches).

This project includes creation of 1.0 acre of replacement wetland near the maintenance area south of Hole 3 (Baden, PA Quadrangle N: 18.1 inches; W: 2.7 inches).

E24-217, PA Game Commission, Bureau of Land Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Ardell Dam Road Across Mosquito Creek in Benezette Township, **Elk County**, ACOE Pittsburgh District (The Knobs, PA Quadrangle N: 20.5 inches; W: 4.35 inches).

To construct and maintain an 18-foot-wide gabion and rock fill ford stream crossing and water treatment structure having a total length of approximately 80 feet across the channel and adjoining floodway area of Mosquito Creek (HQ-CWF) on a Game Commission access road (Ardell Dam Road) in State Game Lands No. 34 approximately 1 mile northeast of Ardell Road 3.25 miles southeast of Quehanna Highway.

E43-294, Lake Latonka Property Owners Association, 420 Latonka Drive, Mercer, PA 16137. Lake

Latonka Property Owners Association Trail, in Coolspring Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 3.25 inches; W: 8.25 inches).

To install and maintain a pedestrian/bicycle bridge having a structure length of 50 feet and an underclearance of approximately 6 feet across Cool Spring Creek (CWF) approximately 600 feet downstream of Lake Latonka Dam.

WATER QUALITY CERTIFICATIONS

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Notice of Final Action on Request for Certification Under Section 401 of the Federal Water Pollution Control Act

Except as otherwise noted, the Department of Environmental Protection (Department), under Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) certifies that the construction and operation herein described will comply with the applicable provisions of sections 301–303, 306 and 307 of that Act and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U. S. Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with Applications and Actions filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board (Board), Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedures may be obtained from the Board. The appeal form and the Board's rules of practice and procedures are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Regional Office: Regional Manager Water Management Program Northwest Region, 230 Chestnut Street, Meadville, PA 16335.

Certification Request Initiated by: Erie Western Pennsylvania Port Authority, Raymond P. Schreckengost, Executive Director 17 West Dobbins Landing Erie, PA 16507-1424.

Date of Initial Pennsylvania Bulletin Notice: June 9, 2000

Project Description: The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) for the discharge of dredged material from the Bay Harbor Marina basin into the Lake Erie

Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301–307 of the Federal Clean Water Act.

The Bay Harbor Marina basin sediments were dredged and stockpiled. The Port Authority has analyzed the stockpiled sediments using the Standard Elutriate Test, adapted from the US Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters" so that the sediments may be discharged to the Lake Erie Harbor Confined Disposal Facility.

Based upon the modified sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 1,000 cubic yards of stockpiled basin sediments from the Bay Harbor Marina basin (Erie North, PA N: 1.0 inch; W: 14.3 inches) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant impact on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single discharge. Any subsequent dredging of permitted Port Authority facilities and use of the CDF will require separate 401 Water Quality Certification.

Location: Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches).

Final Action on Request: Certification granted. This is a one-time certification for the previously described project.

SPECIAL NOTICES

NOTICE OF REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY

The following notice is placed through the Department of Environmental Protection as required by section 502(d) of Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act.

Request for Proposals for Susquehanna County

Susquehanna County Commissioners Montrose, PA Request for Qualifications For Municipal Solid Waste Disposal Services

In accordance with Section 272 of the Pennsylvania Solid Waste Rules and Regulations, the County of Susquehanna has determined that waste disposal capacity for municipal solid waste (MSW) generated within the County, including construction/demolition (C/D) waste and sewage sludge, is required for the next 10 years beginning January 1, 2002. Therefore, notice is hereby given that sealed quotations to the RFQ including the required Submittal Form are being accepted by the Susquehanna County Solid Waste Department at the Office of the Chief Clerk, P. O. Box 218, Montrose, PA 18801, at the Susquehanna County Courthouse, 11 Maple St., Montrose, PA. Sealed responses should be clearly marked "Waste Disposal Qualification" and delivered by 3 p.m. Eastern Standard Time on Monday, August 20, 2001.

Copies of the RFQ package may be obtained from the Susquehanna County Solid Waste Department, (570) 278-3509, fax (570) 278-2749, address previously listed. Questions regarding this RFQ should be directed to William Zick, Susquehanna County Solid Waste Director.

The Susquehanna County Commissioners reserve the right to accept or reject and or all quotations.

[Pa.B. Doc. No. 01-1383. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a public meeting on September 13, 2001, from 8 a.m. to 12 p.m. at the Pennsylvania Medical Society, 777 East Park Drive, Room C, Harrisburg, PA.

For additional information contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, Room 1011 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George at (717) 787-5251, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,
Secretary

[Pa.B. Doc. No. 01-1384. Filed for public inspection July 27, 2001, 9:00 a.m.]

Request for Exceptions; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Carleton Senior Care Center
10 West Avenue
Wellsboro, PA 16901

Meadows Nursing Center
55 West Center Hill Road
Dallas, PA 18612

Seton Manor Skilled Nursing Facility
1000 Seton Drive
Orwigsburg, PA 17961

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, e-mail Address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-1385. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Program Year 2001 Modification #1 to the Strategic State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) and Wagner-Peyser Act; Public Comment Notice

The Department of Labor and Industry invites comment on Program Year (PY) 2001 Modification #1 to the Strategic State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) (WIA) and Wagner-Peyser Act.

For a state to be eligible to receive an allotment under section 127 or 132 of the WIA, or to receive financial assistance under the Wagner-Peyser Act (29 U.S.C.A. § 49 et seq.), the Governor of the state must submit to the United States Secretary of Labor a single state plan that outlines a 5-year strategy for the Statewide workforce investment system of the state that meets the requirements of sections 111 and 112 of the WIA. A state may submit modifications to a state plan in accordance with the requirements of sections 111 and 112 of the WIA as necessary during the 5-year period covered by the plan. This notice is in accordance with 20 CFR 661.230(d), which indicates that a modification to the State Plan is subject to the same public review and comment requirements that apply to the development of the original State Plan.

The following is a brief summary of changes made to the Strategic State Workforce Investment Plan for Title I of the WIA and Wagner-Peyser Act for PY 2001 Modification #1. Primarily, changes were made to update the Plan to be in compliance with the requirements of the WIA statute and final regulations and related requirements; and to make the Plan consistent with the developments subsequent to the modification that was approved by United States Department of Labor in December 1999. Changes include addition of PY 2000 and 2001 allocation formulas, revisions in Commonwealth policies and program performance negotiation results and current standards/levels.

A summary of major changes to the State Plan is available from Planning Coordination Services, Bureau of Workforce Investment, 12th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA, 17121, (717) 787-3354. Mention seeking a copy of the detailed summary of changes to the modification to the Commonwealth's Title I/Wagner-Peyser State Plan.

Any interested party wishing to comment on the State Plan modification must do so in writing by the close of

business on August 28, 2001. Comments should be sent to John C. Vogel, Director, Bureau of Workforce Investment, 12th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121.

Comments received during this period will be considered and necessary revisions will be made to the modification.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 01-1386. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Public Hearing on Declining Resident Population at Ebensburg Center

The Department of Public Welfare (Department) will hold a public hearing on the declining resident population at Ebensburg Center, Cambria County. The hearing will be held on Tuesday, August 14, 2001 at 7 p.m. at the Living/Learning Center of The University of Pittsburgh at Johnstown, Johnstown, PA.

State law requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days of a closure announcement or following a downsizing of 20% or more in patient population since December 31, 1997.

The decrease in resident population at Selinsgrove Center is a result of numerous factors, primarily successful community placement of individuals with mental retardation into small community homes, which provide alternatives to state center treatments and living arrangement. The hearing is not driven by a closure announcement.

Individuals or organizations wishing to testify should contact Mary Yingst, Acting Regional Program Manager at (717) 772-6507 by August 6, 2001. Anyone requiring special accommodations is asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 01-1387. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Gold Rush Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Gold Rush.

2. *Price:* The price of a Pennsylvania Gold Rush instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Gold Rush instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Coin Symbol (COIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$25\$ (TWY FIV), \$40\$ (FORTY), \$80\$ (EIGHTY), \$400 (FOR HUN) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$25, \$40, \$80, \$400 and \$25,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,840,000 tickets will be printed for the Pennsylvania Gold Rush instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$400 (FOR HUN) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$400 (FOR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$80\$ (EIGHTY) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$40\$ (FORTY) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40⁰⁰ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$25⁰⁰ (TWY FIV) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25⁰⁰ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$3⁰⁰ (THR DOL) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3⁰⁰ (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN) and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the Coin Symbol (COIN) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers
Match Either Winning
Number, Win With
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>
\$1 x 2	\$2
\$2	\$2
\$2 (COIN)	\$2
\$1 x 3	\$3
\$2 + \$1	\$3
\$3	\$3
\$3 (COIN)	\$3
\$1 x 5	\$5
\$2 + \$3	\$5
\$1 x 2 + \$3	\$5
\$5	\$5
\$5 (COIN)	\$5
\$2 x 5	\$10
\$5 x 2	\$10
\$4 x 2 + \$2	\$10
\$10	\$10
\$10 (COIN)	\$10
\$5 x 5	\$25
\$10 x 2 + \$5	\$25
\$5 x 3 + \$10	\$25
\$4 x 5 + \$5	\$25

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,840,000 Tickets</i>
1:17.65	557,600
1:75	131,200
1:11.11	885,600
1:62.50	157,440
1:136.36	72,160
1:250	39,360
1:38.46	255,840
1:50	196,800
1:300	32,800
1:375	26,240
1:1,500	6,560
1:150	65,600
1:375	26,240
1:1,500	6,560
1:1,500	6,560
1:1,500	6,560
1:115.38	85,280
1:375	26,240
1:375	26,240
1:750	13,120
1:750	13,120

*When Any Of Your Numbers
Match Either Winning
Number; Win With
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,840,000 Tickets</i>
\$25	\$25	1:750	13,120
\$25 (COIN)	\$25	1:250	39,360
\$5 x 8	\$40	1:2,400	4,100
\$3 x 5 + \$5 x 5	\$40	1:6,000	1,640
\$10 x 4	\$40	1:6,000	1,640
\$5 x 2 + \$10 x 3	\$40	1:6,000	1,640
\$25 + \$5 x 3	\$40	1:6,000	1,640
\$40	\$40	1:24,000	410
\$40 (COIN)	\$40	1:1,846	5,330
\$10 x 8	\$80	1:12,000	820
\$25 x 3 + \$5	\$80	1:15,000	656
\$80	\$80	1:15,000	656
\$80 (COIN)	\$80	1:8,571	1,148
\$40 x 10	\$400	1:120,000	82
\$80 x 5	\$400	1:120,000	82
\$400	\$400	1:120,000	82
\$400 (COIN)	\$400	1:120,000	82
\$25,000 (COIN) = Autowin	\$25,000	1:1,230,000	8

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Gold Rush instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Gold Rush, prize money from winning Pennsylvania Gold Rush instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Gold Rush instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Gold Rush or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-1388. Filed for public inspection July 27, 2001, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Elk County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying Township Road 314 over the Clarion River, in Spring Creek Township, Elk County. The existing structure is a three span metal truss, which is called the Arroyo Bridge. The Arroyo Bridge has been determined eligible for listing on the National Register of Historic Places. Additionally, the replacement of Arroyo Bridge will impact approximately 0.136 hectares (0.34 acres) of the State Game Lands #44.

Information describing the project, together with the associated environmental analysis, is contained in the Categorical Exclusion Evaluation/Section 4(f) Evaluation that was prepared for this project.

The Categorical Exclusion Evaluation/Section 4(f) Evaluation satisfies all State environmental evaluation requirements as published in Section 2002 of Pennsylvania Act 120.

Based upon studies, there is no feasible and prudent alternative to the replacement of the National Register eligible Arroyo Bridge and the usage of the State Game Lands #44. The effect of this project on the existing Arroyo Bridge and State Game Lands #44 will be mitigated by measures to minimize harm, which include:

- The Advisory Council for Historic Preservation and the Pennsylvania Historical and Museum Commission were coordinated with during the design process to ensure the project meets the guidelines for historic preservation. Mitigation for this adverse affect will

include a state level historic recordation, a marketing plan, a memorandum of agreement and incorporating the existing bridge plaques into construction of the new bridge or curating them at the Elk County Historical Society Museum.

- Due to existing alignment of Township Route T-314 and the established boundaries of State Game Lands #44 avoidance of this resource would not be possible. Minimization measures for this resource would include giving the existing right-of-way not required for new construction to the Game Commission, and paying fair market value for the property used from this resource.

I have considered the environment, economic, social and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-1389. Filed for public inspection July 27, 2001, 9:00 a.m.]

Finding Lancaster County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace the Newville Road Bridge which carries T-310 over Amtrak Railroad tracks in West Donegal Township, Lancaster County.

The subject project will require demolition of the Newville Road Bridge which is a contributing element of the National Register-eligible Pennsylvania Railroad Mainline.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects. A Memorandum of Agreement (MOA) has been prepared and signed by all appropriate agencies for the proposed action. The MOA includes a commitment to document the Newville Road Bridge to Pennsylvania state-level standards prior to its demolition. The documentation will include a narrative that provides a description of the Newville Road Bridge and its association with the Pennsylvania Railroad Mainline. The photographic documentation of the bridge will follow standards established by the Pennsylvania Historical and Museum Commission. Any existing plaques on the current bridge will be salvaged either for inclusion in the new bridge or for placement with and curation by the Lancaster County Historical Society.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to

the project as designed, and all reasonable steps have been taken to minimize such effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-1390. Filed for public inspection July 27, 2001, 9:00 a.m.]

Finding Lancaster County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace the Foreman Road Bridge which carries T-843 over Amtrak Railroad tracks in West Donegal Township, Lancaster County.

The subject project will require demolition of the Foreman Road Bridge which is a contributing element of the National Register-eligible Pennsylvania Railroad Mainline.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects. A Memorandum of Agreement (MOA) has been prepared and signed by all appropriate agencies for the proposed action. The MOA includes a commitment to document the Foreman Road Bridge to Pennsylvania state-level standards prior to its demolition. The documentation will include a narrative that provides a description of the Foreman Road Bridge and its association with the Pennsylvania Railroad Mainline. The photographic documentation of the bridge will follow standards established by the Pennsylvania Historical and Museum Commission. Any existing plaques on the current bridge will be salvaged either for inclusion in the new bridge or for placement with and curation by the Lancaster County Historical Society.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-1391. Filed for public inspection July 27, 2001, 9:00 a.m.]

Finding Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to improve the intersection of S. R. 2027 and S. R. 2028 located in Springfield Township, Montgomery County, Pennsylvania.

The subject project will require the acquisition of land from the Scheetz Property, the Van Ressler Property, Fairwold Estate, and Camp Hill Hall Estate. These properties have been determined to be eligible for listing on the National Register of Historic Places. The Pennsylvania Historical Museum Commission (PHMC) has concurred that this project will have an "Adverse Effect" on the above mentioned properties.

This project will use 0.618 hectares (1.53 acres) of the Scheetz Property, 0.207 hectares (0.511 acres) of the Van Ressler Property, 0.024 hectares (0.059 acres) of the Fairwold Estate, and 0.120 hectares (0.296 acres) of the Camp Hill Hall Estate.

Mitigation measures include the avoidance of impacts to a springhouse and wetlands located on the Scheetz Property, the implementation of a landscaping design consistent with existing vegetation to serve as a visual screen for the intersection improvements at the northern edge of S. R. 2027 and the eastern edge of S. R. 2028 along the Van Ressler Property, the reconstruction of the stone wall and entrance pillar located on the western edge of S. R. 2028 on the Fairwold Estate, and the documentation of the stone wall and steps located on the northern side of S. R. 2027 on the Camp Hill Hall Estate.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, have been considered. An adverse effect is likely to result from the improvements to the intersection of S. R. 2027 and S. R. 2028. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-1392. Filed for public inspection July 27, 2001, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Seneca Landfill, Inc. v. DEP; EHB Doc. No. 2001-151-R

Seneca Landfill, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit amendment No. 2 to same for a facility in Jackson Township, Butler County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board), at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 01-1393. Filed for public inspection July 27, 2001, 9:00 a.m.]

Township of Paradise and Lake Swiftwater, Inc. v. DEP and Ireland Hotels, Inc., Permittee; EHB Doc. No. 2001-153-L

The Township of Paradise and Lake Swiftwater, Inc. have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Ireland Hotels, Inc. for a facility in Pocono Township, Monroe County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 01-1394. Filed for public inspection July 27, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 12, 2001, and took the following actions:

Regulations deemed approved under section 5(g) of the Regulatory Review Act— Effective July 6, 2001

State Employees' Retirement Board #31-1: Retirement Contributions (amends 4 Pa. Code Chapters 243 and 245)

Regulations Approved:

Insurance Department #11-186: Discounting Workers' Compensation Loss Reserves (amends 31 Pa. Code Chapter 116)

Insurance Department #11-206: Privacy of Consumer Financial Information (adds Chapter 146a to 31 Pa. Code)

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
July 12, 2001

Insurance Department— Discounting Workers' Compensation Loss Reserves; Regulation No. 11-186

On August 3, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 116. The proposed regulation was published in the August 14, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 19, 2001. The Department, by letter received May 16, 2001, withdrew the regulation. The Department resubmitted a revised final-form regulation on June 14, 2001.

The Department is amending an existing, outdated regulation that contains specific standards for valuing and discounting workers' compensation insurance reserves. This rulemaking will replace those standards with basic parameters that recognize current economic and financial conditions.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 186 and 40 P.S. §§ 92 and 112) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner, by phone

Public Meeting held
July 12, 2001

Insurance Department— Privacy of Consumer Financial Information; Regulation No. 11-206

On March 21, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking adds Chapter 146a to 31 Pa. Code. The proposed regulation was published in the March 31, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 14, 2001.

This regulation requires initial and annual notices to customers of an insurance licensee that explain the licensee's privacy policies regarding disclosure of nonpublic personal financial information. The regulation also requires that the licensee's customers be given an opportunity to opt out of such disclosures to third parties.

We have determined this regulation is consistent with the statutory authority of the Department (40 P.S. § 1171.2) and the intention of the General Assembly. Having considered all of the other criteria of the Regula-

tory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-1395. Filed for public inspection July 27, 2001, 9:00 a.m.]

Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P.S. § 745.5(d) and (g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the date indicated.

Reg. No.	Agency/Title	Issued	<i>Final-form Submission</i>	
			Deadline	
19-5	Department of Corrections Administration and State Correctional Institutions and Facilities	07/12/01	06/11/03	
	(31 Pa.B. 2476 (May 12, 2001))			
16A-549	State Board of Pharmacy Reference Libraries; Facsimile Machines	07/12/01	06/11/03	
	(31 Pa.B. 2480 (May 12, 2001))			

Department of Corrections Regulation No. 19-5

Administration and State Correctional Institutions and Facilities

July 12, 2001

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Department of Corrections (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 11, 2003, the regulation will be deemed withdrawn.

1. Section 91.1. Definitions.— Clarity.

Department

This defined term is not used consistently in Chapter 93. For example, section 93.6(a) contains three references and section 93.9(a) contains two references to the "Department of Corrections." Section 93.10(a) and section

93.11(b) also refer to the "Department of Corrections." These references should be replaced with the defined term "Department."

Facility and Institution

The distinction between these two terms is not clear from the definitions. The Department should determine which term will be retained and delete the other term from this section.

Further, the retained term should be used consistently throughout Chapters 91 and 93. For example, section 93.2(c)(1)(i)(B) as printed in the *Pennsylvania Bulletin*, refers to "State correctional institution." This reference should be changed to the defined term of "institution" or "facility." Also, sections 93.2(c)(1)(i)(D) and 93.2(c)(1)(ii) should refer to "facility" (the defined term) rather than "State correctional facility."

Facility manager

This term is also not used consistently in Chapter 93. For example, sections 93.3(a), (d) and (h)(7) and section 93.6(b)(1) all refer to "superintendent" instead of the defined term "facility manager." This should be corrected in the final-form regulation.

Regional director

As printed in the *Pennsylvania Bulletin*, this definition uses the term "corrections centers" rather than the defined term "community corrections centers." This should be corrected in the final-form regulation.

2. Section 91.3. Reception and discharge of inmates.— Clarity.

The last sentence states, "To ensure compliance with State and Federal laws, it is expected the discharge process can be completed within 2 business days." We have two concerns.

First, it is unclear which State and Federal laws must be complied with. Specific citations should be added.

Second, is compliance with these laws required, rather than expected? If compliance is required, then it would be appropriate to state, "... the discharge process shall be completed within 2 business days."

3. Section 91.4. Catchment areas.— Clarity.

In subsections (a) and (b), how will a person know what facilities are specifically designated? Does the Department publish a list?

In subsection (c), the words "of the Department" should be deleted since the defined term is "Secretary."

4. Section 93.2. Inmate correspondence.— Clarity.

Subsection (c) Incoming mail

This subsection is unclear. We have four concerns.

First, the opening paragraph discusses both "all incoming mail" and "sealed documents." Since the standards for opening these documents differ, their respective requirements should be placed in separate subsections or paragraphs.

Second, the order of the sentences is confusing. A sentence in the middle of the subsection references the requirements listed in paragraphs (c)(1) to (3). Whereas, the concluding sentence references subsection (e) relating to "Scrutiny of correspondence."

Third, the last sentence states "They may be read only as set forth in Subsection (e)." Does "they" refer to "sealed" or "retained" documents?

Fourth, the last sentence does not specify who is reading the documents. This could be interpreted to also require the inmate readers of documents to comply with subsection (e) rather than just the institution as specified in subsection (e). Also, who in the institution is authorized to read the inmates' mail? This should be clarified in the regulation.

Subsection (c)(2)

This subsection defines "contraband" by stating "Coins, currency or other negotiable instruments concealed in correspondence are contraband. . . ." This language should be removed from this section and the term "contraband" should be defined in section 91.1.

Subsection (c)(3)

This subsection states "Other contraband will be returned to the sender, destroyed or transferred. . . ." What qualifies as "other contraband"? Further, it is not clear under what circumstances the contraband will be returned, destroyed or transferred.

Subsection (e) Scrutiny of correspondence

Subsections (1) and (2) are vague. We have three questions.

First, under what circumstances "may" the institution read the mail in subsection (1)?

Second, and similar to the comment on section 93.2(c), who in the institution does the Department permit to read the inmates' mail?

Third, do these subsections refer to outgoing or incoming correspondence or mail or both?

Subsection (f) Incoming publications

Paragraph (1) defines "publications." This term should be defined in section 91.1.

Paragraph (2) provides that "all publications must be received from the original source." Since a magazine is included in the definition of "publications," the sentence in paragraph (3) that states that "magazines shall be mailed directly from the original source" is redundant and should be deleted.

Paragraph (5) states publications "sent directly . . . will usually be deemed to have come from the original source." We have two questions. First, who is responsible when this section states "will usually be deemed"? Deemed by whom? Second, under what circumstances would a publication not "be deemed" to be from the original source?

Paragraph (6) states that newsletters "shall be delivered to the inmate even if mailed at less than [sic] first or second-class mail rates." The phrase in paragraph (6) is redundant and should be deleted because paragraph (1) provides for newsletters "regardless of the postal rate. . . ."

We have two questions relating to paragraph (7). First, the paragraph states "publications containing potentially prohibited material or questionable content. . . ." The language in this sentence is vague as it is not clear what is meant by "potentially prohibited material" or "questionable content." Second, paragraph (7) refers to an "incoming publication review committee (IPRC)." Who are the members of this committee and to whom does it report?

For clarity, paragraph (12) should be merged with paragraph (9).

Paragraph (13) allows for appeal of an IPRC decision. It appears the right to appeal applies to IPRC decisions regarding all inmate correspondence. Therefore, this pro-

vision should be a separate subsection and a specific reference to Department policy or regulations relating to grievances should be included.

Subsection (g)

We have three concerns relating to this section. First, as printed in the *Pennsylvania Bulletin*, this subsection does not have a heading.

Second, how did the Department determine that it is reasonable to retain a rejected letter for "at least 7 days" as opposed to 10 days or 30 days? Is it 7 business or calendar days?

Third, how soon must a protest be filed?

5. Section 93.7. Telephone calls.— Clarity.

This section contains the phrase, "in accordance with applicable law." What is the applicable law? If there are none, this phrase should be deleted. Otherwise, to facilitate compliance and improve clarity, this phrase should be replaced with a specific reference to the applicable laws and regulations.

State Board of Pharmacy Regulation No. 16A-549

Reference Libraries; Facsimile Machines

July 12, 2001

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Pharmacy (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 11, 2003, the regulation will be deemed withdrawn.

1. Section 27.14. Supplies.— Clarity.

Section 27.14 describes the required materials all pharmacies must have in their reference libraries. We have two concerns with this section. First, subsection (c)(14)(iii)(A) requires the library to "Enable the pharmacist to compound medications in a *safe and effective manner*." (Emphasis added.) The phrase "safe and effective manner" is unclear. For clarity, the Board should include examples of what it considers a "safe and effective manner."

Second, subsection (c)(14) requires a pharmacy to maintain "An adequate reference library. . . ." Subsection (c)(14)(i) also states "A pharmacy shall maintain an adequate reference library. . . ." For greater readability, and less repetition, the Board should consider deleting repeated references to "an adequate reference library" in the final-form regulation.

2. Section 27.20. Facsimile machines.— Consistency with Federal regulations; and Clarity.

This section allows a pharmacist to fill prescriptions for Schedule II controlled substances which are received by a facsimile machine for hospice patients. We have two issues with this section. First, section 27.20(a)(2)(i) and (iii) use the phrase "which will be administered to." Did the Board intend to exclude self-administered medications? If not, the phrase "which will be administered to" should be replaced in both subsections with "for the direct administration," the phrase used in the Federal regulations.

Second, the phrase "to a hospice patient" in section 27.20(a)(2)(iii) is inconsistent with the Federal regulations. The Federal regulations at 21 CFR 1306.11(g),

states that "A prescription . . . written for a Schedule II narcotic substance for a patient enrolled in a hospice care program. . . ." For consistency with the Federal regulations, the phrase "to a hospice patient" should be replaced with "for a patient enrolled in a hospice care program."

JOHN R. MCGINLEY, Jr.,

Chairperson

[Pa.B. Doc. No. 01-1396. Filed for public inspection July 27, 2001, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Omit

Reg. No. Agency/Title

Received

11-207 Insurance Department

07/18/01

Assigned Risk Plan—Mandatory
Offer to Write Nonsurcharged
Private Passenger Nonfleet
Risks

JOHN J. MCGINLEY, Jr.,

Chairperson

[Pa.B. Doc. No. 01-1397. Filed for public inspection July 27, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

AJK Holdings, Inc. has filed an application to acquire control of USF Insurance Company, a Commonwealth domiciled stock property insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act, 40 P. S. § 991.1402, et seq. Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert A. Kotal, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax to (717) 787-8557 or e-mail to rkotal@state.pa.us.

M. DIANE KOKEN,

Insurance Commissioner

[Pa.B. Doc. No. 01-1398. Filed for public inspection July 27, 2001, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision

On July 13, 2001, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a proposed rate and rule change for private passenger auto insurance.

The company requests an overall 0% change to be effective October 20, 2001, for new business and November 20, 2001, for renewal business.

Unless formal administrative action is taken prior to September 11, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1399. Filed for public inspection July 27, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's Regional Offices in Philadelphia and Pittsburgh, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Long Quan; file no. 01-210-02356; Reliant Insurance Company; doc. no. PH01-07-009; September 13, 2001, at 9 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Maryanne J. Henderson and David Patterson; file no. 01-308-72069; Donegal Mutual Insurance Company; doc. no. PI01-07-007; October 12, 2001, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party

intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1400. Filed for public inspection July 27, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Leader Insurance Group; file no. 00-267-04964; Matilde and David Tolentino; doc. no. PH01-07-010; September 13, 2001, at 10:15 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured

for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1401. Filed for public inspection July 27, 2001, 9:00 a.m.]

State Farm Fire and Casualty Company; Revised Automobile Insurance Rates and Rules

On July 11, 2001, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 13.3% decrease amounting to -\$6,406,000 annually, to be effective October 15, 2001.

Unless formal administrative action is taken prior to September 9, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1402. Filed for public inspection July 27, 2001, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Revised Automobile Insurance Rates and Rules

On July 11, 2001, the Insurance Department (Department) received from State Farm Mutual Automobile

Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.4% increase amounting to \$45.3 million annually, to be effective October 15, 2001.

Unless formal administrative action is taken prior to September 9, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1403. Filed for public inspection July 27, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5182, 529 East Girard Avenue, Philadelphia, PA 19125-3311.

Lease Expiration Date: March 31, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of the intersection of Second Street and Girard Avenue, Philadelphia.

Proposals due: August 10, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: George J. Peller, (215) 482-9673

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-1404. Filed for public inspection July 27, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. American Energy Solutions, Inc.;*
Doc. No. C-00015090; A-110043

Default Order

By the Commission:

On March 19, 2001, the Law Bureau Prosecutory Staff instituted a complaint against American Energy Solutions, Inc. (the Respondent), an electric generation supplier (EGS) licensed at A-110043. In the complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by letter dated August 29, 2000 that its Letter of Credit was due to expire on October 1, 2000, and that Respondent had 30 days to provide proof that it had obtained a bond or other approved security in order for its EGS license to remain in force.

The complaint also alleged that Respondent failed to respond to the Commission correspondence as well as follow-up telephone calls, and that on October 1, 2000, Respondent's Letter of Credit expired.

Pursuant to Section 2809(c)(1)(i) of the Code, 66 Pa.C.S. § 2809(c)(1)(i), no energy supplier license shall be issued or remain in force unless the supplier furnishes a bond or other security approved by the Commission in form and amount to ensure financial responsibility of the EGS.

The complaint charged that Respondent violated 66 Pa.C.S. § 2809(c)(1)(i), and the Commission regulation at 52 Pa. Code § 54.40 (relating to EGS bonds or other security) by failing to renew its Letter of Credit, and requested as a remedy that the Commission issue an order canceling the Respondent's EGS license and imposing a civil penalty of \$1,000.

According to the postal return receipt, the complaint was not served because the Respondent is unknown. To date, more than 20 days after the attempted service of the complaint, no answer has been filed to the complaint and a renewed Letter of Credit has not been filed; *Therefore,*

It is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.

2. That the EGS license held by American Energy Solutions, Inc., at Docket No. A-110043, is hereby cancelled.

3. That a civil penalty of \$1,000 is hereby imposed against American Energy Solutions, Inc., payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, and due within 20 days of the entry date of this Order.

4. That the Secretary strike the name of American Energy Solutions, Inc. from all active-utility lists main-

tained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

5. That if the civil penalty is not paid within the time given, pursuant to Ordering Paragraph No. 3, the Office of Executive Director is hereby directed to refer the \$1,000 civil penalty to the Office of Attorney General for collection and action as appropriate.

6. That notice of this Default Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1405. Filed for public inspection July 27, 2001, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 20, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval to *begin operating as common carrier* for transportation of *persons* as described under the application.

A-00117315, F. 2. Michael Edward Durant, t/d/b/a M & S Transportation (6339 Fariston Drive, city and county of Philadelphia, PA 19120)—persons in paratransit service, from points in the city and county of Philadelphia, to all State Correctional Institutions located in Pennsylvania, and return.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carrier* for transportation of *persons* as described under the application.

A-00116998, F.3. Philadelphia Coach Limo, Inc., t/d/b/a Philadelphia Coach Limo Service (1785 Melmar Road, Huntingdon Valley, Montgomery County, PA 19006), a corporation of Pennsylvania—Additional Right—persons, in group and party service, in vehicles with a seating capacity of 15 passengers or less, including the driver, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carrier* for the transportation of *persons* by *transfer of rights* as described under the application.

A-00118032. Paul's Cab Service, Inc. (1417 Market Street, Sunbury, Northumberland County, PA 17801), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand: (1) in the borough of Northumberland, the city of Sunbury and the townships of Rockefeller, Lower Augusta and Upper Augusta, North-

umberland County; subject to the following condition: That no right, power or privilege is granted to provide service for Consolidated Rail Corporation; and (2) the boroughs of Shamokin Dam, Hummels Wharf and Selinsgrove, Snyder County, which is to be a transfer of all of the rights authorized under the certificate issued at A-00109157, to Paul L. Deivert, t/d/b/a Paul's Cab Service, subject to the same limitations and conditions.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicle as contract carriers for the transportation of persons by transfer of rights as described under the application.

A-00118033. Milepost Transportation Services, LLC (6201 College Boulevard, Suite 334, Overland Park, Johnson County, KS 66211), a corporation of the State of Delaware—(1) persons and their equipment for Consolidated Rail Corporation: (a) from points in the city of Harrisburg, Dauphin County and within an airline distance of 50 statute miles of the limits thereof to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of the Consolidated Rail Corporation, and vice versa; (b) from points in the city of Altoona, Blair County and within an airline distance of 50 statute miles of the limits thereof to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of Consolidated Rail Corporation, and vice versa; and (c) from points in the city and county of Philadelphia, and within an airline distance of 50 statute miles of the limits thereof, to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of Consolidated Rail Corporation, and vice versa; (2) rail carrier employees and their equipment and baggage for: (a) Consolidated Rail Corporation (Conrail), between points in Pennsylvania; and (b) Norfolk Southern Corporation, between points in Pennsylvania, which is to be a transfer of all the rights authorized under the certificate issued at A-00116322 to Milepost Transportation, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-0011189, F.2. Southern Tier Moving & Storage, Inc. (250 Homer Street, Olean, NY 14760), a corporation of the State of New York—household goods in use, between points in the counties of Elk, Erie, McKean, Potter and Warren, and from points in said counties, to points in Pennsylvania.

Notice of Motor Carrier Applications— Persons in Limousine Service

The following applications for authority to transport persons in *limousine service between points in Pennsylvania* have been filed with the Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before August 20, 2001.

A-00118019 Regalbutto, Inc.
486 Rt. 38 East
Maple Shade, NJ 08052

A-00118022 Vince Andrew Marini
t/d/b/a Primo Limo
160 Clinton Street
Greenville, PA 16125

A-00118037 Brian P. Haenze
t/d/b/a Exotic Limousine Service
5155 Library Road
Bethel Park, PA 15102

A-00118038 D C Limousine Service, Inc.
5921 Tacony Street
Philadelphia, PA 19135

A-00118042 Wally A. Woytovich,
t/d/b/a Wally Anthony's Transportation
8 Cherrywood Road
Wyomissing, PA 19610
Attorney: Michael L. Swindler
P. O. Box 9500
Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1406. Filed for public inspection July 27, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

Global Telephone Corporation; Doc. No. A-310506

Tentative Order

By the Commission:

Global Telephone Corporation (Global) has not paid its monthly Universal Service Fund assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since November 2000. In its efforts to collect payment, Law Bureau Prosecutory Staff was advised by the company's former consultant that Global filed a Chapter 7 bankruptcy petition in October 2000, and is no longer in business. Telephone calls to the last known business address of Global confirmed that the number is disconnected and no information is available for any new phone number.

Global, a competitive local exchange carrier and interexchange reseller, was granted a certificate of public convenience by the Commission on March 27, 1997, at A-310506. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke Global's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that Global has any current customers in Pennsylvania, and Global was never assigned any NXX codes. For these reasons, we tentatively conclude that revocation of Global's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

It is Ordered:

1. That Global Telephone Corporation's certificate of public convenience is hereby tentatively approved to be revoked as being in the public interest.

2. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an

interest in this proceeding 30 days from the date of publication to file a written response.

3. That absent the filing of adverse public comment 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Global Telephone Corporation at A-310506 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That a copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1407. Filed for public inspection July 27, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

INET Interactive Network System, Inc.; Doc. No. A-310833

Tentative Order

By the Commission:

INET Interactive Network System, Inc. (INET) has not paid its monthly Universal Service Fund assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since January 2001. In its efforts to collect payment, Law Bureau Prosecutory Staff was advised by the court-approved manager of the company's assets that INET is in a Chapter 11 bankruptcy proceeding which it filed in February 2001. The manager expects the case will be converted into a Chapter 7 proceeding in the near future. The manager also advised that INET ceased doing business in December 2000. Finally, he advised that he has no objection to the Commission revoking INET's certificate as it does not intend to revive its business.

INET, an interexchange reseller, was granted a certificate of public convenience by the Commission on September 15, 1999, at A-310833. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke INET's certificate without the necessity of first filing a formal complaint. Finally, INET does not have any current customers in Pennsylvania, and INET was never assigned any NXX codes. For these reasons, we tentatively conclude that revocation of INET's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

It is Ordered:

1. That INET Interactive Network System, Inc.'s certificate of public convenience is hereby tentatively approved to be revoked as being in the public interest.

2. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. That absent the filing of adverse public comment 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by INET Interactive Network System, Inc. at A-310833 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That a copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1408. Filed for public inspection July 27, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

International Exchange Communications Inc.; Doc. No. A-310764

Tentative Order

By the Commission:

International Exchange Communications Inc. (IEC) has not paid its monthly Universal Service Fund assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since January 2001. In its efforts to collect payment, Law Bureau Prosecutory Staff was advised by the company's former consultant that IEC filed a Chapter 11 bankruptcy petition and it is expected to be converted to a Chapter 7 petition in the near future. The consultant also advised that the company is no longer in business. Telephone calls to the last known business address of IEC confirmed that the number is disconnected and no information is available for any new phone number.

IEC, an interexchange reseller, was granted a certificate of public convenience by the Commission on March 3, 1999, at A-310764. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke IEC's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that IEC has any current customers in Pennsylvania, and it was never assigned any NXX codes. For these reasons, we tentatively conclude that revocation of IEC's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

It is Ordered:

1. That International Exchange Communications Inc.'s certificate of public convenience is hereby tentatively approved to be revoked as being in the public interest.

2. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. That absent the filing of adverse public comment 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by International Exchange Communications Inc. at A-310764 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That a copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1409. Filed for public inspection July 27, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

NET-tel Corporation; Doc. No. A-310464

Tentative Order

By the Commission:

NET-tel Corporation (NET-tel) has not paid its monthly Universal Service Fund assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since January 2001. In its efforts to collect payment, Law Bureau Prosecutory Staff was advised by the company's former consultant that NET-tel filed a Chapter 7 bankruptcy petition in October 2000, and is no longer in business. Telephone calls to the last known business address of NET-tel confirmed that the number is disconnected and no information is available for any new phone number.

NET-tel, a competitive local exchange carrier and interexchange reseller, was granted a certificate of public convenience by the Commission on March 13, 1997, at A-310464. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke NET-tel's certificate without the necessity of first filing a formal complaint. While we are not aware that NET-tel has any current customers in Pennsylvania, NET-tel was assigned several NXX codes which will now be available for re-circulation to other local exchange carriers. For these reasons, we tentatively conclude that revocation of NET-tel's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

It is Ordered:

1. That NET-tel Corporation's certificate of public convenience is hereby tentatively approved to be revoked as being in the public interest.

2. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. That absent the filing of adverse public comment 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by NET-tel Corporation at A-310464 shall be cancelled, the NXX codes assigned to NET-tel Corporation shall be placed back into the pool for reassignment to other carriers, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That a copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1410. Filed for public inspection July 27, 2001, 9:00 a.m.]

Default Order

Public Meeting held
July 13, 2001

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

PTT Telekom, Inc.; Doc. No. A-310528

Tentative Order

By the Commission:

PTT Telekom, Inc. ("PTT") has not paid its monthly Universal Service Fund assessment pursuant to 52 Pa. Code §§ 63.161—63.171 since January 2001. In its efforts to collect payment, Law Bureau Prosecutory Staff was advised by the company's former consultant that PTT is no longer in business. Telephone calls to the last known business address of PTT confirmed that the number is disconnected and no information is available for any new phone number.

PTT, an interexchange reseller, was granted a certificate of public convenience by the Commission on October 2, 1997, at A-310528. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke PTT's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that PTT has any current customers in Pennsylvania, and PTT was never assigned any NXX codes. For these reasons, we tentatively conclude that revocation of PTT's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

It is Ordered:

1. That PTT Telekom, Inc.'s certificate of public convenience is hereby tentatively approved to be revoked as being in the public interest.

2. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. That absent the filing of adverse public comment 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by PTT Telekom, Inc. at A-310528 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That a copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1411. Filed for public inspection July 27, 2001, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

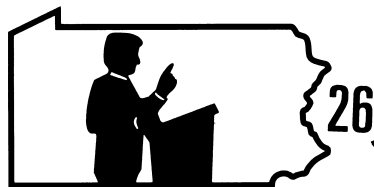
PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

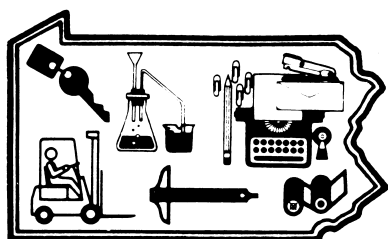
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFFER,
State Treasurer

The Department of General Services is planning their annual purchasing convention. PA Partnership 2001 will be October 9, 2001, through October 12, 2001, at the Radisson Hotel & Pittsburgh ExpoMart. For more details see the Department of General Services website at www.dgs.state.pa.us or by calling (717) 787-5733.



9120-16 Natural Gas Energy Management. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: Various
Date: 09/01/01 through 08/31/03
Contact: Vendor Services, (717) 787-2199

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Contact: Jack W. Heinze, (717) 772-7435

Department: Conservation and Natural Resources
Location: Halifax, Pennsylvania
Duration: One time purchase
Contact: Pamela Stouffer, (717) 783-0760

Department: Game Commission
Location: Pennsylvania Game Commission, Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Upon award through June 30, 2002
Contact: Djane Shultz or Linda Beaver. (717) 787-6594

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

Department: Conservation and Natural Resources
Location: Moshannon Forest District Office, Penfield, PA
Duration: One-time purchase
Contact: Pamela Stouffer, (717) 783-0760

Species: *Car. blattifrons*; nat. Size: 3/8 x 1-1/4. Approx. 9,000 tons.
Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: July 30, 2001—June 30, 2002
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

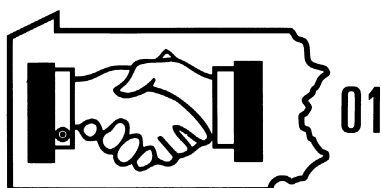
6350-01 Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

5850-01 Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

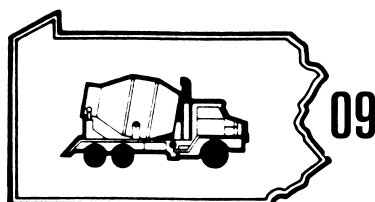
SERVICES



Advertising

PGC-2722 Marketing, advertising, publication, and distribution of the "Pennsylvania Hunting and Trapping Digest" for the 2001 license year with an option to renew for three additional years, one year at a time.

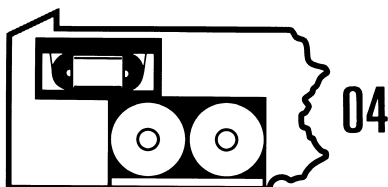
Department: Game Commission
Location: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Upon award through September 2004
Contact: Diane Shultz or Linda Beaver, (717) 787-6594



Construction & Construction Maintenance

DGS A 251-649 PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 70' X 120' High Arch Salt Building. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 1:00 P.M.

Department: General Services
Location: PennDOT Maintenance Stockpile #07, Kennett Square, Chester County, PA
Duration: ON OR BEFORE NOVEMBER 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556



Audio/Video

SP111800009 The contractor agrees to provide maintenance, emergency repairs, adds, moves, changes and deletions and parts for the Harris 20/20 PBX telephone system located at the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Three years
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890 x 142

DGS A 251-614 PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 80' X 120' High Arch Salt Building. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 1:00 P.M.

Department: General Services
Location: PennDOT Maintenance Stockpile #5, Tobyhanna, Monroe County, PA
Duration: ON OR BEFORE NOVEMBER 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 700-41ST1 PROJECT TITLE: Exposition Center Foundation Package. BRIEF DESCRIPTION: The work for this project will generally include H Piles, concrete foundations and a structural concrete slab with below slab plumbing. ESTIMATED RANGE: \$2,000,000.00 TO \$5,000,000.00. General (Foundation) and Plumbing (Underground) Construction. PLANS DEPOSIT: \$75.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$25.00 per set or provide your express mail account number to the office listed below: Mail requests to: Reynolds Construction Management, Inc., 3300 N. 3rd St., Harrisburg, PA 17110. Tel: (717) 238-5737, EXT. 3325. Bid Date: WEDNESDAY, August 8, 2001 at 2:00 P.M. All questions and comments must be submitted to Matt McCoy, via FAX, (717) 520-3981, Reynolds Construction Management, Inc. The final date for all questions will be 12:00 P.M. on Thursday, JULY 26, 2001.

Department: General Services
Location: Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA
Duration: 156 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

6797-39 Rebid PROJECT TITLE: Flooring. BRIEF DESCRIPTION: The Sports & Exhibition Authority ("Owner") will receive sealed bids for the trade package as identified below for additions and renovations to the David L. Lawrence Convention Center ("Project"). The Architect for the Project is Rafael Vinoly Architects, P.C. The Construction Manager is Turner Construction Company, P. J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: \$750,000.00 to \$2,000,000.00. Bid Packages can be examined and rebids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, Pittsburgh, PA 15222. Bid Date: FRIDAY, July 27, 2001 at 2:00 P.M. Inquiries regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA 15222, Attention: Ralph Shipe. Tel: (412) 227-2010, FAX: (412) 227-2015. Bid Packages may be obtained through Accu-Copy. Tel: (412) 281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility with the bid.

Department: General Services
Location: 951 Penn Avenue (Basement Level), Pittsburgh, Allegheny County, PA
Contact: Ralph Shipe, (412) 227-2010

DGS A 571-28 PROJECT TITLE: Renovate Fire Alarm System. BRIEF DESCRIPTION: Replace existing fire alarm panels, detectors and wiring in thirteen (13) buildings. Tie-in to central system, replace defective horns, strobes, relays pull stations, flow and tamper switches as required. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 2:00 P.M.

Department: General Services
Location: State Correctional Institution, Rockview, Centre County, PA
Duration: 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 168-2 PHASE 2 PROJECT TITLE: Acquisition and Development of the Pittsburgh to Washington, D.C. Trail (Tunnel Rehabilitation). BRIEF DESCRIPTION: Restoration of a railroad bridge, culvert, exterior trail, tunnel and interior trail, signs, barricades, tunnel lighting and in-ground communications conduit. ESTIMATED RANGE: \$5,000,000.00 to \$10,000,000.00. General and Electrical Construction. PLANS DEPOSIT: \$40.00 per set payable to: AWK CONSULTING ENGINEERS, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15.00 per set or provide your express mail account number to the office below. Mail requests to: AWK Consulting Engineers, Inc., 1611 Monroeville Avenue, Turtle Creek, PA 15145. Tel: (412) 823-8331. Bid Date: WEDNESDAY, August 22, 2001 at 11:00 A.M. A Pre-Bid Conference has been scheduled for Wednesday, August 8, 2001 at 10:00 A.M. Meet at the intersection of highway 160 and SR 2011 near the White Oak Church and proceed to the job site by car. Contact: Gary Van Balen at (412) 823-8331. All contractors who have received contract documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: Allegheny, Westmoreland, Fayette, and Somerset Counties, PA
Duration: 365 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

TSCT01-0001 Thaddeus Stevens College of Technology is seeking a contractor to remove and dispose of snow and ice from campus roadways and sidewalks. Interested bidders may contact Ms. Earla Ament at (717) 396-7163; or fax: (717) 299-7710; or E-mail ament@stevensstech.org.

Department: Education
Location: Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602
Duration: December 1, 2001 to June 30, 2002
Contact: Earla Ament, (717) 396-7163

DGS A 251-638 PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 60' X 80' High Arch Salt Building. ESTIMATED RANGE: \$100,000.00 to \$375,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 1:00 P.M.

Department: General Services
Location: PennDOT Maintenance Stockpile #07, Great Bend, Susquehanna County, PA
Duration: ON OR BEFORE NOVEMBER 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 1576-11 PROJECT TITLE: Security Fence. BRIEF DESCRIPTION: Provide and install new 14' high fencing with single row of 24/30 barbed tape. ESTIMATED RANGE: Under \$100,000.00. Fencing Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 1:00 P.M.

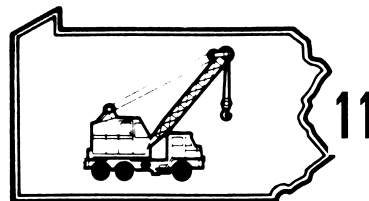
Department: General Services
Location: State Correctional Institution, Frackville, Schuylkill County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 573-19 PHASE 7 PROJECT TITLE: Perimeter Security. BRIEF DESCRIPTION: Furnish and install new security fencing. Furnish and install new fence security systems, along with a closed circuit TV system. ESTIMATED RANGE: \$2,000,000.00 to \$5,000,000.00. General and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 22, 2001 at 2:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, August 8, 2001 at 1:00 P.M. at the State Correctional Institution at the Main Gate Building, 2nd Floor, Conference Room 1, Camp Hill, PA. Contact: Marlin Schreck, Tel: (717) 737-4531, EXT. 5259. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: State Correctional Institution, Camp Hill, Cumberland County, PA
Duration: 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

SP3881091001 The DCNR—Bureau of Forestry—Moshannon State Forest is soliciting bids for the digging, loading, hauling and machine spreading of 4,500 cubic yards of stone fill from DCNR—Bureau of Forestry shale pit. Shale pit is located off Rt. 153, 4.5 miles North of the DuBec Road. Stone will be spread on 2.1 miles of the Lower DuBec Road in Lawrence Township, Clearfield County. Hauling distance is from 4.5 miles to 6.5 miles. Bids will be opened at the District Office located at R.R. #1, Box 184, Penfield, PA 15849 on Thursday, August 16, 2001 at 2:00 P.M.

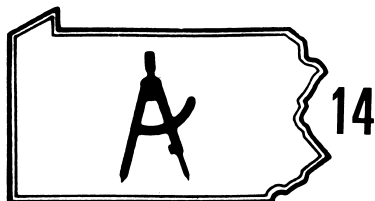
Department: Conservation and Natural Resources
Location: Lower DuBec Road, Lawrence Township, Clearfield County
Duration: 90 Days
Contact: Robert G. Merrill, Jr., (814) 765-0821



Demolition—Structural Only

02E408 Bid for demolition and removal: Brick and Block Gas Station, 3 Fuel Tanks, Signs, Light Standard, Dusk to Dawn Light, Well and Septic. Brick and Block Restaurant, Septic, Brick Two Story House, Barn, Spring House, six out buildings, Septic, Fencing and Arc light.

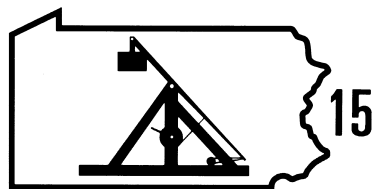
Department: Transportation
Location: Centre County, Intersection of I80 (exit 24) and SR 26 turn left; Station and Restaurant on left; House & Buildings .1 mi. off SR 26 on right
Duration: 60 days
Contact: Yvonne S. Parker, (814) 765-0565



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 02(1877)101.1 Mine Subsidence Control, Regency Park S.W. involves approximately drilling and casing 670 holes and injecting 219,635 tons grout material. This project issues July 27, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$26 million Pennsylvania Coal 2000 AML Grant.

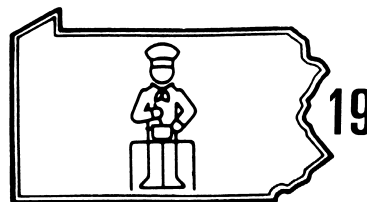
Department: Environmental Protection
Location: Plum Borough, Allegheny County
Duration: 910 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994



Firefighting Services

SP1111800010 Contractor shall provide to the State Correctional Institution at Coal Township testing, maintenance, inspection, repairs, training, parts and emergency service to the Cerberus Pyrotechnics MXL Fire Alarm System.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, Pa. 17866
Duration: Three Years
Contact: Nancy A. Lasko, (570) 644-7890 x 142



Food

8379 Perishable Food Items as follows: Meat & Meat Products, Poultry & Poultry Products, Miscellaneous Foods, Produce, Prepared Salads-Fresh, Fruits & Vegetables-Frozen, Fish & Fish Products-Frozen, Cheese, Dairy Products, Frozen Juices, Ice Cream Sherbert & Related Novelties. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: October 1, 2001 through December 31, 2001
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

3974 Meat, Frozen. Contract for October, November and December 2001. Please send a fax of your letterhead to (570) 587-7108, which includes your company name, address, telephone and fax number to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2001 through December 31, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3979 Dairy Contract for October, November and December 2001. Please send a fax of your letterhead to (570) 587-7108, which includes your company name, address, telephone and fax numbers to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2001 through December 31, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3982 Miscellaneous Frozen Foods Contract for October, November and December 2001. Please send a fax of your letterhead to (570) 587-7108, which includes your company name, address, telephone and fax numbers to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2001 through December 31, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3983 Frozen Fruit Juice, 4 oz. portions. Please send a fax of your letterhead to (570) 587-7108, which includes your company name, address, telephone and fax number numbers to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2001 through December 31, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

2000 Processed Meats: Turkey Ham, Minced Turkey Bologna, Turkey Salami, (NO PORK PRODUCTS) Lebanon Bologna, Bacon, Turkey Franks, Veal Patties, Pullman Hams and other meat products as may be required by agency. Items bid on a quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2001 Bakery Products: Bread, Round Rolls, Snack Cakes, Breakfast Buns, Granola Bars or any related items. Items to be bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2004 Pizza Frozen: Rectangular, french bread pizza, pastrolis and any other pizza items. Items bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2005 Oleo Margarine, type 2, shall be prepared from domestic edible vegetable oil, prints, 1 lb. net wt. wrapped in parchment paper, 30 lb per case. Must be colored, white is not acceptable. Oleo margarine patties, 12 lb/case, 1080 rations per case. Items to be bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

LBLA-9064 Poultry and Fish—for bid package, fax request to (570) 372-5675

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: October, November, December 2001
Contact: Arletta K. Ney, PA, (570) 372-5670

LBLA-9060 Frozen Juices—for bid package, fax request to (570) 372-5675

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: October, November, December 2001
Contact: Arletta K. Ney, PA, (570) 372-5670

LBLA-9061 Miscellaneous Foods—for bid package, fax request to (570) 372-5675

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: October, November, December 2001
Contact: Arletta K. Ney, PA, (570) 372-5670

LBLA-9062 Meats—for bid package, fax request to (570) 372-5675

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: October, November, December 2001
Contact: Arletta K. Ney, PA, (570) 372-5670

2006 Eggs Fresh Grade A Medium, Frozen Eggs, whole & whites, 30 lb/case. Items bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2008 Garden & Grain burgers: Patties, 48/case. To be bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2010 Poultry & Poultry Products: Chicken, Turkey, etc. Items to be bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2002 Pancakes, Frozen must be 96/case, Waffles frozen, must be 144/case. Items bid on a quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2003 Vegetables Frozen: Cauliflower, Broccoli, Chopped Brussel Sprouts, and any other frozen veggies. Items bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

LBLA-9063 Frozen Fruits & Vegetables—for bid package, fax request to (570) 372-5675.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: October, November, December 2001
Contact: Arletta K. Ney, PA, (570) 372-5670

3975 Poultry, Frozen Contract for October, November and December 2001. Please send a fax of your letterhead to (570) 587-7108, which includes your company name, address, telephone and fax number to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2001 through December 31, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

2007 Ice cream and related products: Ice cream, Sliced chocolate-vanilla-strawberry, twin pops, flavored ice—various flavors. Items bid on quarterly basis.

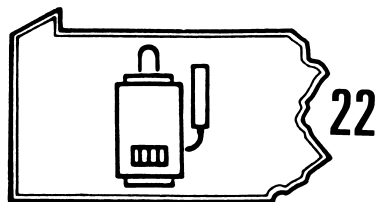
Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

2009 Orange Drink, Ice Tea, Lemonade, 8 oz container (milk carton type) To be bid on quarterly basis.

Department: Corrections
Location: State Correctional Institution Camp Hill, P.O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2001 to June 30, 2002
Contact: Michelle Ryan, (717) 975-5267

SU-00-27 Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for three Head Start Centers located in Shippensburg, PA; Newville, PA and Carlisle, PA. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period 10/01/01 through 09/30/02. Vendors interested in receiving a bid package must request in writing: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; (717) 477-1121 or FAX: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: One Year after award
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121



HVAC Services

SP-3821211001 Installation of sewage pumping station, low pressure grinder pump system, force main and associated electrical controls and equipment.

Department: Conservation and Natural Resources
Location: This work is to be done at Hills Creek State Park.
Duration: Work should be completed by November 16, 2001.
Contact: Barry Eppley, (814) 486-5638

08-087S13 Maintenance of Gas Fired Heating unit.

Department: Aging
Location: PA Dept. of Transportation, District 0870—Lancaster County, 2105 Lincoln Hwy. East, Lancaster, PA 17602
Duration: Two year with three one-year renewals.
Contact: Jeralyn L. Rettew, (717) 299-7621 ext. 322

0120025 Provide inspection, maintenance, and emergency repairs for the following: two low pressure steam boilers, air conditioning forced air gas/rooftop unit, and an air conditioning unit in the conference room.

Department: Transportation
Location: PennDOT, Erie County Maintenance, 9031 Peach St., Waterford, PA 16841
Duration: 1 year contract with possibility for four 1 year renewals.
Contact: William Sachse, (814) 871-4411

10972028 Boiler Maintenance service to 3 boilers at Mayview State Hospital, power plant.

Department: Public Welfare
Location: Mayview State Hospital Power Plant, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 01-01-02 through 12-31-06
Contact: F. Molisee, (412) 257-6215



Janitorial Services

APR #304-07533 Contractor to furnish the required labor, materials and equipment to accomplish complete custodial cleaning services as specified in the attached specifications on floors: Basement, lobby, mezzanine and Floors 2 through 14 in the Philadelphia State Office Building.

Department: General Services
Location: Dept. of General Services, Bur. of Facilities Management, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130
Duration: October 1, 2001 through June 30, 2004
Contact: Ernie Keen, (215) 560-2521



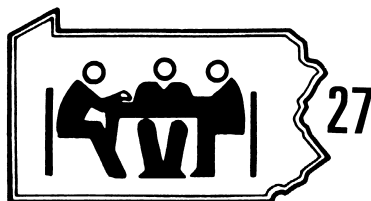
Laundry/Dry Cleaning & Linen/Uniform Rental

923218 Uniforms for equipment maintenance staff.

Department: Transportation
Location: Bedford County Maintenance, R.D. #7, Bedford, PA 15522
Duration: 3 years
Contact: Randy Barrick, (814) 623-6144 ext. 24

05302 A supply to provide uniforms for garage personnel to include shirts and pants which are to be laundered on a regular basis. Also to include pickup and delivery of above items.

Department: Transportation
Location: PA. Dept. of Transportation, 1712 Lehigh St., Allentown, PA. 18103
Duration: 4 years or 208 weeks
Contact: Patrick J. Hodge Jr., (610) 798-4292



Lodging/Meeting Facilities

SP-11200009 Vendor to provide, facility rental, audio visual rental and meals for the executive training conference to be held November 7, and 8, 2001. To be considered, your facility must be located within a ten radius of Harrisburg, Pennsylvania. An estimated 150 people will be attending this conference. To obtain bid package, either e-mail your request to BMALONE@STATE.PA.US, or fax your request to Barry Malone at (717) 787-3560.

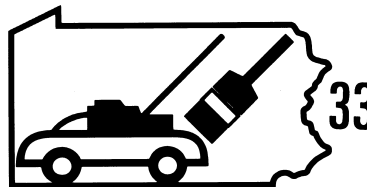
Department: Public Welfare
Location: Office of Medical Assistance Programs, Deputy Secretary's Office, Rm. 515, Health and Welfare Building, Harrisburg, PA 17105
Duration: November 7TH and 8TH 2001.
Contact: Barry Malone, (717) 705-3917

SBC 350S29 The PA Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its annual Quality Conference to be held at a site in the Commonwealth of Pennsylvania during a period of 6 consecutive days during August, September or October 2002. Contractor may bid any timeframe as long as it is 6 consecutive days, Sunday through Friday, beginning August 26 through October 25, 2002. However, the following days CANNOT be bid: September 2—6, 2002. Approximately 1,000 employees will attend this conference. FAX all requests to Kathy Joy-Brosius at (717) 783-7971. Include the following information with your faxed request: your company name; address (no post office boxes if possible), phone number and FAX number. Please reference SBC 350S29 in your FAX.

Department: Transportation
Location: Commonwealth of Pennsylvania
Duration: One year with possibility of renewal.
Contact: Tonja Jackson, (717) 783-9671

MAG6723 Provide lodging (approx. 250 rooms) and meeting accommodations for approximately 600 people attending MAGLOCLEN's 2001 Narcotic Investigators Meeting.

Department: Attorney General
Location: Ocean City, Maryland
Duration: September 17—20, 2001
Contact: Jay Friske, (800) 345-1322 ext. 570



Property Maintenance

Bid #8299 Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Hazleton Headquarters, Annex Bldg. and P&S Bldg. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Hazleton Headquarters, Annex Bldg. & P&S Bldg., 250 Dessen Drive, West Hazleton, PA 18202
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8302 Furnish all labor, materials and equipment to remove snow, salting & cindering from the driveways and parking areas, as required at the PA State Police, Wilkes-Barre Liquor Control Enforcement facility. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Wilkes-Barre Liquor Control Enforcement, 1095 Hanover Street, Wilkes-Barre, PA 18706-2028
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8304 Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Carlisle Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Carlisle Station, 1538 Commerce Avenue, Carlisle, PA 17013
Duration: 11/1/01 to 6/30/04
Contact: Donna Enders, (717) 705-5951

Bid #8306 Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Belfast Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Belfast Station, 622 Bangor Road, Easton, PA 18040
Duration: 11/1/01 to 6/30/04
Contact: Donna Enders, (717) 705-5951

Bid #8308 Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Lamar Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Lamar Station, 7127 Nittany Valley Drive, Mill Hall, PA 17751
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

IN-835-1 Floor Tile Replacement, Eberly College of Business. Work included under this project consists of Floor Tile Replacement, Eberly College of Business, consisting of removing existing carpeting, etc., to furnish and install new pavers, joint sealants, etc. Notice to Contractors may be requested from IUP, (724) 357-2289; Fax: (724) 357-6480 or Internet: <http://www.iup.edu/engcons>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) Months
Contact: Ronald E. Wolf, Procurement Specialist, (734) 357-4851

Bid #8303 Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Shickshinny Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Shickshinny Station, 872 Salem Boulevard, Berwick, PA 18603
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8305 Furnish all labor, materials and equipment for snow removal services from driveways and parking areas on an "ON CALL" basis at the PA State Police, Department Headquarters, Harrisburg, PA 17110. The awarded vendor will provide backup and/or additional snow removal equipment and manpower as needed. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: 11/1/01 to 6/30/02
Contact: Donna Enders, (717) 705-5951

Bid #8307 Furnish all labor, materials and equipment to remove snow, salting & cinderling from the sidewalks, driveways and parking areas, as required at the PA State Police, Kane Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Kane Station, 3178 Route 219, Kane, PA 16735
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8300 Furnish all labor, materials and equipment to remove snow, salting & cinderling from the sidewalks, driveways and parking areas, as required at the PA State Police, Erie Crime Lab. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Erie Crime Laboratory, 4310 Iroquois Avenue, Erie, PA 16511-2196
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8301 Furnish all labor, materials and equipment to remove snow, salting & cinderling from the sidewalks, driveways and parking areas, as required at the PA State Police, Fern Ridge Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

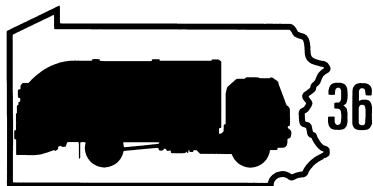
Department: State Police
Location: Fern Ridge Station, HC #1, Box 1327, Blakeslee, PA 18610
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

Bid #8309 Furnish all labor, materials and equipment to remove snow, salting & cinderling from the sidewalks, driveways and parking areas, as required at the PA State Police, Mansfield Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230
Duration: 11/1/01 to 6/30/03
Contact: Donna Enders, (717) 705-5951

DES038 The Department is soliciting bids for lawn services and snow & ice removal services at the Rockview Driver Exam Site. Requests for bid packages can be obtained by calling (717) 783-3931 or fax request to (717) 783-7971, Attn: Susan Sobotor.

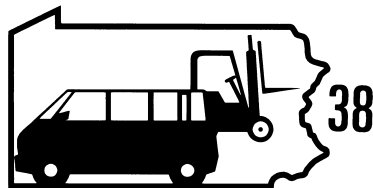
Department: Transportation
Location: Rockview Driver Exam Site 820, West College Avenue, Pleasant Gap, PA 16823
Duration: 5 years
Contact: Susan Sobotor, (717) 783-3931



Sanitation

SP111800008 The contractor agrees to provide services for removal and recycling of food wastes to an approved Livestock Raising Food By-Product Recycler from the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, Pa. 17866
Duration: Three years
Contact: Nancy A. Lasko, Purchasing Agent 2, (570) 644-7890 x 142



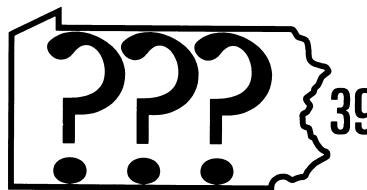
Vehicle, Heavy Equipment and Powered Machinery Services

EO-Boom/Mower Lease tractor with boom rotary mower for 12 months. For a copy of the solicitation Fax your request to State Armory Board, (717) 861-2932.

Department: Military Affairs
Location: Ft. Indiantown Gap, Annville, PA
Duration: 30 Dec 02
Contact: Eugene Ollar, (717) 861-2921

3881101002 Install (12) woven wire fences at (10) locations on the Sproul State Forest. Fences will be installed in Clinton and Centre Counties. The 12 woven wire fences combined are approximately 55,000 linear feet.

Department: Conservation and Natural Resources
Location: DCNR, Bureau of Forestry, HCR 62, Box 90, Renovo, PA 17764
Duration: 06/30/02
Contact: Richard Kugel, (570) 923-6011



Miscellaneous

10981025 Contractor is to provide pharmaceutical services for the medical department of the Youth Development Center at New Castle, PA. The anticipated contract period is January 1, 2002 through December 30, 2004. Call the YDC New Castle purchasing department for the specification package, (724) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: 36-months
Contact: T. E. Mateja, Pur. Agt., (724) 656-7310

100206 Educational agency to provide qualified on-site evening instruction of Engineer in Training review course covering subject areas of Chemistry, Computers, Dynamics, Electrical Circuits, Engineering Economics, Ethics, Fluid Mechanics, Material Science, Structure of Matter, Mathematics, Mechanics of Materials, Statistics and Thermodynamics. Instructors must have a minimum of 5 years experience teaching review courses for engineers. Review course should cover all material that is tested on the PA EIT Examination. In addition, textbooks, certificates of completion, and instructional materials to be provided by successful bidder for approximately 30 students. Please fax your requests for bid packages to Diane Spence at (724) 357-2872.

Department: Transportation
Location: PA Department Of Transportation, Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701
Duration: Approximately 26 weeks
Contact: Diane Spence, (724) 357-7987

1801810013 The Pennsylvania Department of Revenue is seeking professional consulting services to assist in the review, edit and revision of the 2002 Series Individual Income Tax Booklets (PA-40) including the evaluation of all forms and accompanying schedules.

Department: Revenue
Location: Department of Revenue, Executive Offices, Strawberry Square, 11th Floor, Harrisburg, PA 17128-1100
Duration: From effective date of contract until approximately December 31, 2001. Extension to perform additional work maybe required.
Contact: Barry T. Drew, (717) 783-3691

LBP-2001-10 Vendor to supply variety of styles of uniforms for male and female employees in the nursing and dietary department of the Northeast Veterans Center. Reference numbers are those of Crest Uniform Co. For a complete list of specifications please send fax request to (570) 961-4400.

Department: Military Affairs
Location: Northeast Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: Within 30 days ARO
Contact: Barbara Partyka, PA-1, (570) 961-4354

SP3510019118 Conduct examinations for certification of Sewage Enforcement Officers, Sewage Treatment Plant Operators, Waterworks Plant and Water Distribution Operators. Contact Sharon Peterson at (717) 787-2471 or shapeterso@state.pa.us for a bid package.

Department: Environmental Protection
Location: Various locations throughout Pennsylvania.
Duration: Through June 30, 2002 with 3 renewal options
Contact: Sharon Peterson, (717) 787-2471

[Pa.B. Doc. No. 01-1412. Filed for public inspection July 27, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY LOGAN,
Acting Secretary

